UNIVERSITY OF PENNSYLVANIA

INDIAN AFFAIRS AND THEIR ADMINISTRATION

WITH SPECIAL REFERENCE TO THE FAR WEST

1849-1860

ALBAN W. HOOPES

A THESIS

IN HISTORY

PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL IN
PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY

PHILADELPHIA

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INDIAN AFFAIRS
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To
MY PARENTS

PREFACE

THIS thesis is an attempt to outline the more important aspects of the Indian situation and of the government's Indian policy in the decade before the Civil War. That decade was a period during which a number of rather serious Indian wars occurred, to some of which considerable attention has been given. Even more, the period was marked by a most important change in policy. The old "permanent Indian frontier" broke down before the westward march of our population. The Indian Country was organized as the territories of Kansas and Nebraska. With their organization the old policy of maintaining a large, unorganized, and "permanent" Indian Country came to an end. But a new policy was at hand. The system of establishing reservations, of relatively small geographical extent, in the midst of the white man's country, had been tried in California. From there it spread ultimately over the entire country. This thesis is particularly interested in the development of the reservation system; that being a subject that has, heretofore, been most inadequately treated.

I have not attempted to give a detailed history of our many Indian tribes. Rather, I have confined myself to such portions of their history as best serve to illustrate some phase or development of governmental policy. The Five Civilized Tribes have been excluded because they have been much more adequately treated than our other Indians—the names of such scholars as Grant Foreman and Annie H. Abel will occur at once to the specialist—names peculiarly associated with the Five Tribes.

I wish to acknowledge, with thanks, the courtesy and great assistance of Commissioner of Indian Affairs Charles J. Rhoads, and of Mr. Brent M. Morgan of the Indian Office, without whose help the complex files of that department would have remained a closed book to me.

I wish to thank Miss Helen Louise Jenkins, who kindly read the manuscript, and Mr. Thomas A. Stevens, who sacrificed some of the pleasures of a summer camp in order to read the proof-sheets of this work.

My friends and professors, especially Dr. St. George L. Sioussat, Dr. Roy F. Nichols, Dr. Herman V. Ames, and Dr. A. E. McKinley have given much excellent advice, and even more necessary encouragement.

I owe my thanks to my parents, and to my cousin, Miss Isabel Hoopes, as well as to Miss Daisy Frances Smith for their consistent kindness, interest, and help.

A. W. H.

May 7, 1932.

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I

SOME EFFECTS OF UNITED STATES EXPANSION IN THE FAR WEST UPON THE INDIAN PROBLEM

IN 1840 the western boundary of the Louisiana Purchase was still the western boundary of the United States. The Republic of Texas was our neighbor in the southwest; what later became the state of California and the territories of New Mexico and Utah was still under Mexican rule; and the Oregon Country was under a joint-occupation agreement with England. In the decade following 1840 all this was changed. Texas was annexed in 1845; a treaty with England in 1846 secured that portion of the Oregon Country south of the forty-ninth parallel; and the vast Mexican Cession was acquired by the Treaty of Guadalupe Hidalgo in 1848. Thus the three years, 1845-1848, saw the addition of 1,202,286 square miles to our domain.[1]

Among the varied problems which, of necessity, devolved upon this government due to territorial expansion, were problems connected with Indian affairs and their administration. Indian population was considerably increased.[2] This may, perhaps, be regarded as the most obvious change in the Indian situation, so let us pause long enough to note some facts concerning it. Indian population statistics must of necessity be regarded as approximations only. Such statistics were usually gathered by Indian agents or sub-agents, sometimes by field superintendents or army officers, all of whom collected their data either from statements made by the Indians themselves,

[1]A convenient table of our territorial growth is in J. W. Foster, *A Century of American Diplomacy,* 410.

[2]George W. Manypenny, *Our Indian Wards,* 151.

or by the "old settlers" of a given locality. Much less frequently statistics were based upon actual enumeration of the Indians of a limited region. More often we have what might be termed a partial enumeration: i.e., a group of statistics based on an actual enumeration of the Indians in attendance at an important council, combined with an estimate of those not in attendance. Such, for example, was the population estimate of the Rogue River Indians in Oregon, made by Agent S. H. Culver at the time of the Table Rock Treaty, September 10, 1853.[3] Then too, several tribes (as, for example, parts of the Ute), lived in virtually unexplored regions, and information concerning them could only be obtained with great difficulty. Some other tribes, especially those inhabiting the great plains, who depended upon the buffalo herds for their food supply, were semi-nomadic in their habits, and were for that reason very difficult to enumerate. Thus these various factors all militated against truly accurate population statistics. With this in mind, let us turn to some estimates of population for 1850 and the years immediately thereafter.

The census of 1850 gave the total Indian population of the United States as 400,764,[4] while H. R. Schoolcraft, gathering material for his *History, Condition, and Prospects of the Indian Tribes,* made an estimate of 388,229.[5] In his annual report, December 2, 1850, Secretary of the Interior A. H. H. Stuart made the statement that "The annexation of Texas and the recent treaty with Mexico have, it is estimated, added about one hundred and twenty-four thousand persons to our Indian population."[6] In his annual report, November 26, 1853,

[3]S. H. Culver to Joel Palmer, July 20, 1854. 33 Cong. 2 sess. vol. 1, pt. 1, (serial number 777), *H. Ex. Doc. 1,* 502.

[4]J. D. B. DeBow, *Statistical View of the U. S.,* 41 and 191. It is interesting to note, for the sake of comparison, that the estimated and enumerated Indian population, according to the *Report of the Commissioner of Indian Affairs for 1931,* 40-57, is 419,633.

[5]H. R. Schoolcraft, *History, Condition, and Prospects of the Indian Tribes of the United States,* I, 524.

[6]31 Cong. 2 sess. vol. 1, (ser. 595), *H. Ex. Doc. 1,* 28.

Commissioner of Indian Affairs George W. Manypenny stated that "The whole number of Indians within our limits is estimated at 400,000."[7] Of this number Commissioner Manypenny estimated that 100,000 lived in California; 45,000 in New Mexico; 12,000 in Utah; 29,000 in Texas; and 23,000 in Oregon and Washington—thus giving a total of 209,000 Indians resident in the recent acquisitions of the United States, i.e., the Oregon Country, Texas, and the Mexican Cession; and leaving a total of 191,000 Indians scattered over the rest of the country, mostly, of course, west of the would-be "permanent Indian frontier." If we again study the above-quoted figures it will be noted that there were 186,000 Indians resident in the Mexican Cession and Texas, of whom 157,000 were inhabitants of the Mexican Cession excluding Texas. Let us compare these general statistics of the Indian population of the United States with more specific regional statistics, which we are able to glean from the reports of superintendents and agents.

On March 7, 1849, Special Agent R. S. Neighbors of Texas wrote to Major General William J. Worth, stating that the total number of Indians in Texas was 29,575.[8] In 1850 Schoolcraft made an estimate of 24,100.[9] In the fall of 1851 Jesse Stem, a special agent in Texas, wrote to Commissioner of Indian Affairs Luke Lea, estimating the Indian population of Texas at 21,652, of whom 20,000 were Comanches. Mr. Stem regarded the latter figure as an overestimate.[10]

An estimate of the Indian population of New Mexico is contained in a letter from Charles Bent[11] to William Medill,

[7]33 Cong. 1 sess. vol. 1, pt. 1, (ser. 710), *H. Ex. Doc. 1,* 243.

[8]31 Cong. 1 sess. vol. 3, pt. 2, (ser. 570), *H. Ex. Doc. 5,* 963.

[9]Schoolcraft, *op. cit.,* 518.

[10]32 Cong. 1 sess. vol. 2, pt. 3, (ser. 636), *H. Ex. Doc. 2,* 523.

[11]Charles Bent was appointed governor of New Mexico by Genl. Kearny on September 22, 1846, and was assassinated in an Indian raid on January 19, 1847. See H. H. Bancroft, *History of Arizona and New Mexico,* 426 *note 21,* and 432.

then Commissioner of Indian Affairs, on November 10, 1846.[12] Mr. Bent estimated that there were 36,950 Indians in New Mexico; a figure that did not, however, take account of the semi-civilized Pueblo Indians. Schoolcraft estimated the wild tribes of New Mexico at 36,500. In December, 1847, the legislature of New Mexico ordered that a census be taken. The number of Pueblo Indians of five years of age and upwards was found to be 6,524.[13] J. S. Calhoun, writing to Luke Lea, February 16, 1851, estimated the number of Pueblo Indians at 7,867, excluding, however, the seven Moqui pueblos.[14] Schoolcraft's estimate of the population of these same pueblos was 11,170; in addition to which he estimated the population of the seven Moqui pueblos at 10,950. Thus we see that Charles Bent's estimate of the wild Indians of New Mexico agreed fairly well with Schoolcraft's; but that the latter's estimate of the population of the pueblos was greater than that either of the census or of J. S. Calhoun. Schoolcraft gave 92,130 as his grand total of the Indian population of New Mexico, including wild Indians, Pueblo Indians, and the seven Moqui pueblos.[15] We must remember, of course, that in 1850 New Mexico included what has since become the territory, and finally the state of Arizona; and that the area covered by this state probably contained about half of the Indian population of New Mexico in 1850.

Estimates of the number of Indians in California vary greatly. In California we have the problem of both mission Indians and wild Indians. The missions, which had been a most important factor in Spanish-Indian relations, were secularized by Mexico between 1833 and 1836. Santa Clara, secularized in the latter year, was the last of the old missions in California to surrender its ecclesiastical control to the

[12]31 Cong. 1 sess. vol. 5, (ser. 573), *H. Ex. Doc. 17,* 193.

[13]*Ibid.,* 211. J. S. Calhoun to William Medill, October 4, 1849.

[14]32 Cong. 1 sess. vol. 2, pt. 3, (ser. 636), *H. Ex. Doc. 2,* 453-454.

[15]Schoolcraft, *op. cit.,* 519.

secular authorities.[16] During the Spanish régime these missions had kept accurate records of the number of Indians baptized,[17] but with their secularization under the Mexican régime these records seem either not to have been continued, or else to have been inadequately kept. In 1830 the number of mission Indians was estimated to be 17,634.[18] Twelve years later this number had decreased to approximately 4,450.[19] While neither of these figures may be strictly accurate, it seems most probable that there was a large decrease in the number of Christian Indians between 1830 and 1842. With the secularization of the missions many of the Indians no doubt returned to their wild tribesmen. Yet the missions, even under secular control, retained an influence over many Indians even during the early part of the American régime.

The number of wild Indians in California has been variously estimated. Thus in 1850 John C. Frémont estimated their number at 40,000.[20] This was less than most other estimates, and was probably an underestimate. Commissioners G. W. Barbour and O. M. Wozencraft, writing to Luke Lea on March 5, 1851, stated that:

> From the best information that we can obtain from "old settlers" in the country, and such as have travelled extensively among the various tribes their numbers within the boundary of the state of California are variously estimated at from two to three hundred thousand souls.[21]

This estimate was obviously too large. When we recall that most estimates approximately concurred in placing the

[16]R. D. Hunt and Nellie Van de Grift Sanchez, *A Short History of California,* 249-263.

[17]Theodore H. Hittell, *History of California,* I, 741.

[18]Hittell, *op. cit.,* 742.

[19]*Ibid.,* 743.

[20]Frémont to Orlando Brown, June 17, 1850. U. S. Dept. of the Interior, Office of Indian Affairs, General Files, *California,* F 159/1850. Hereinafter cited as U.S.D.I., O.I.A.

[21]*Ibid.,* B 904/1851.

total Indian population of the United States in 1850 at about 400,000, of whom about 150,000 inhabited the Mexican Cession (California included) and Texas, the gross excess of the above estimate becomes even more apparent. Senator John B. Weller, a California Democrat, estimated the Indian population of his state at 70,000;[22] and Edward F. Beale, the first Indian superintendent of California, held that from 75,000 to 100,000 was a fair estimate.[23] These last estimates were probably far more sane than many others.

From Utah we have, in this early period (1849-1850), very few estimates of the Indian population. A letter from the Indian agent at Salt Lake, John Wilson, to Secretary of the Interior Thomas Ewing, August 22, 1849, estimated that there were about 1,000 lodges of Snake Indians, and between 2,000 and 3,000 lodges of various Ute tribes, averaging four persons per lodge.[24] Thus there were at least 3,000 lodges of Indians, of four persons each, or 12,000 Indians in Utah. Schoolcraft's estimate was 11,500.[25] In considering the Indian population of Utah in the eighteen-fifties, it must be remembered that Utah Territory then included all of the present state of Nevada north of the thirty-seventh parallel, and parts of both Colorado and Wyoming. If only the area of the present state of Utah were considered in the above estimates of Indian population they would, of course, be greatly reduced.

An estimate of the number of Indians in Oregon is contained in a letter of October 13, 1849, from Governor Joseph Lane to the Secretary of War or the Commissioner of Indian Affairs.[26] According to this letter there were 14,663 Indians resident in Oregon south of the Columbia River; 8,870 north

[22]Speech in the Senate, August 11, 1852. *Congressional Globe*, 32 Cong. 1 sess., 2173.

[23]E. F. Beale to G. W. Manypenny, September 30, 1853. 33 Cong. 1 sess. vol. 1, pt. 1, (ser. 710), *H. Ex. Doc. 1*, 472.

[24]31 Cong. 1 sess. vol. 5, (ser. 573), *H. Ex. Doc. 17*, 184-185.

[25]Schoolcraft, *op. cit.*, I, 522.

[26]31 Cong. 2 sess. vol. 1, (ser. 595), *H. Ex. Doc. 1*, 158-164.

thereof; 700 Rogue River Indians; and 200 Yacona Indians, thus giving a total of 24,433. Schoolcraft estimated 22,733.[27] In 1853 Oregon Territory was divided, its northern portion being organized as Washington Territory. Isaac I. Stevens, the governor of the latter, estimated its Indian population at 13,900.[28] Thus Oregon was left with an Indian population of about 10,500.

We have thus noted the increase in our Indian population as the most obvious result of American expansion in the Far West between 1845 and 1848. This expansion had other effects, of equal importance, though perhaps not of quite so obvious a nature, upon our Indian problem. The laconic statement of George W. Manypenny: "Following the annexation of Texas, and the acquisition of our possessions on the Pacific coast, emigration commenced,"[29] gives a vivid picture of conditions. Up to this time the Indians had always been on the frontier. With the increase in population and in the number of states east of the Mississippi, the idea of a permanent home for the Indians west thereof became a definite part of United States Indian policy.[30] The Removal Act of May 28, 1830,[31] provided:

Sec. 1. . . . That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to

[27]Schoolcraft, *op. cit.*, I, 521.

[28]Letter of I. I. Stevens; no date, but received in O.I.A. on May 10, 1853. U.S.D.I., O.I.A., General Files, *Washington*, W 232/1853.

[29]Manypenny, *op. cit.*, 115.

[30]The history of Indian removal does not come within the scope of this thesis (1849-1860). I mention these few facts concerning removal simply as a background for a more detailed study of the proper period of this thesis. In reference to removal see especially: Annie H. Abel, *The History of Events Resulting in Indian Consolidation West of the Mississippi*, in Am. Hist. Association *Report*, 1906, I, 233-450.

[31]4 *U. S. Statutes at Large*, 411-412. Hereinafter cited as *U. S. S. L.*

be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.

Section 3 of the same act provided that the lands west of the Mississippi be guaranteed "forever" to the tribe or tribes settling thereupon. By the Indian Intercourse Act of June 30, 1834,[32] the Indian Country was defined (sec. 1) as:

> That part of the United States west of the Mississippi, and not within the states of Missouri and Louisiana, or the territory of Arkansas, and, also, that part of the United States east of the Mississippi river, and not within any state to which the Indian title has not been extinguished. . . .

Thus, the first of the above-mentioned acts crystallized the policy of removal; the second defined the country to which removal was to be made. The execution of the removal policy necessitated the negotiation of two sets of Indian treaties—first, a series of treaties had to be made with many of the tribes already living west of the Mississippi, in order to extinguish their title to the lands to be occupied by the emigrant eastern tribes. Secondly, a series of treaties had to be made with the latter to extinguish their title to the eastern lands which they were leaving, and to establish their title to their new homes in the west. The series of treaties negotiated during the eighteen-thirties, to consummate the removal policy as established by the law of 1830, resulted in the establishment of the so-called "permanent Indian frontier" from the Great Lakes to Texas, west of Arkansas, Missouri, and later, Iowa.[33] The vision of a truly permanent Indian frontier with the whites east, and

[32]4 *U. S. S. L.*, 729.

[33]A convenient map is to be found in F. L. Paxson, *History of the American Frontier*, 280. Iowa was not yet a territory at the time of the passage of the law of 1830. That status was attained on June 12, 1838. See 5 *U. S. S. L.*, 235-241.

the Indians west thereof, seemed to attain a certain degree of actuality, with the consummation, about 1840, of the removal policy. But the "permanent Indian frontier" remained an actuality only during the forties. By their rapid emigration to the Far West, following so quickly upon the acquisitions made between 1845 and 1848, the whites completely surrounded the Indian Country—the latter became a large aboriginal island surrounded by ever-increasing numbers of whites—the frontier, broken down, had proved its lack of permanence.

Oregon attained the territorial status in 1848; two years later the census returns showed that Oregon had a population of 13,087. Utah and New Mexico became territories in 1850; the former had a population of 11,330, and the latter 61,525. Texas had entered the Union as a state, and in 1850 its population was 154,034. Thanks to the gold rush of 1849 California also jumped the territorial stage; its population in 1850 was 91,635.[34] In 1849 California's population had been but 15 or 20,000.[35]

Thus in the years immediately following the close of the Mexican War, both the War Department and the Office of Indian Affairs needed a certain degree of reorganization in order to meet new and rapidly changing conditions. The increased extent of our territory, and the great westward migration of so many people, led, first, as we have already noted, to the breakdown of the permanent trans-Mississippi Indian frontier. At the same time there was the need to guard the trans-continental trails—since the Treaty of Guadalupe Hidalgo entirely within our borders—and to prevent the Indians from raiding over the much-lengthened Mexican frontier.[36] The difficulty of properly performing these various duties was increased both by the predatory nature of some of

[34]DeBow, *op. cit.*, 45.

[35]E. Channing, *History of the U. S.*, VI, 43, *note 1.*

[36]Art. XI. Treaty of Guadalupe Hidalgo. See Wm. M. Malloy, *Treaties between the United States and Other Powers,* I, 1112.

the border tribes and by the inadequacy of the army. There were not, in 1849, enough Indian agents, or a sufficient military force, to handle properly our enlarged aboriginal population, or to properly guard the frontiers of white settlement, and the various routes across the Indian Country from the settlements east thereof to those on the Pacific coast. A brief review of the more important army laws in the years immediately preceding 1850 will give some idea of the status of that branch of the service at the opening of the period covered by this thesis.

By a law of June 15, 1832,[37] the President was authorized to raise a battalion of 600 mounted rangers, divided into six companies of 100 privates each, for the defence of the frontier. This law was repealed on March 2, 1833, by the passage of an act which substituted a regiment of dragoons for the mounted rangers. The regiment of dragoons was to consist of 600 men, exclusive of officers, and was divided into ten companies of sixty privates each. They were liable for service either on horse or on foot.[38] A second regiment of dragoons, equal in number and identical in organization with the first, was created by a law of May 23, 1836.[39] Ten years later, May 19, 1846, a law was passed[40] which authorized the organization of one regiment of mounted riflemen, to consist of ten companies of sixty-four privates each. Seventy-six thousand five hundred dollars were at the same time appropriated for mounting and equipping the said regiment. But the frontier of 1849 was not the frontier of 1846; the Mexican Cession had added much to the frontier. Various Secretaries of War during these years harped much on the same string; the inadequacy of the existing military force to meet the requirements imposed by increased extent of territory,

[37] 4 *U. S. S. L.*, 533.
[38] 4 *U. S. S. L.*, 652.
[39] 5 *U. S. S. L.*, 33.
[40] 9 *U. S. S. L.*, 13.

increased Indian population, and more widely scattered white population. Let us examine some of these War Department reports in more detail.

In his annual report, November 30, 1849, Secretary of War George W. Crawford made the following statements:

> The protection of our frontier lines previous to the late war with Mexico, was then deemed a task equal to the capacity of the army. The additions recently made seem to impose the necessity of increasing the military force, in order that its strength may be adequate to the wants which the vast extension of our territorial limits requires. . . . The duty of the government is to afford protection. To enable it to do this effectually, it is submitted that the numerical strength of each company at the several military posts on our western frontier be increased to seventy-four privates, and that a part of the infantry be mounted as emergencies arise. . . .[41]

Mr. Crawford's proposals met with congressional acceptance more quickly than was usually the case with proposals from an executive department. The army law of June 17, 1850,[42] provided, among other things, that "The President be authorized to increase the number of privates in each company of the existing regiments of the army, at present serving, or which may hereafter serve, at the several military posts on the western frontier, . . . to any number not exceeding seventy-four." It was also provided that portions of the army normally serving on foot might be mounted when necessary.

Exactly one year after Secretary Crawford's above-cited remarks, we have the report of Secretary of War C. M. Conrad. Mr. Conrad gave the total strength of the army, officers and men, in 1850, as 12,927; of whom 7,796 were in Texas, New Mexico, California, and Oregon, or under orders therefor. He added:

[41] 31 Cong. 1 sess. vol. 3, pt. 1, (ser. 569), *H. Ex. Doc. 5,* 91.
[42] 9 *U. S. S. L.,* 438.

When it is recollected that large accessions have, within a few years past, been made to our territory; that an extensive seaboard will require fortifications, and an enlarged inland frontier needs protection against the Indians, it will appear manifest that the present military establishment of the country is entirely inadequate to its wants. . . .[43]

Accordingly, Secretary Conrad recommended an increase in our cavalry as an essential in dealing with Indians who were "well skilled in the management of the horse." Secretary Conrad's reports are very thorough documents: he points out certain effects of our increased area that most of the reports of his day seem to have missed. Thus the expenses of the Quartermaster's department for the year ending June 30, 1844, were only $870,999.73; but for the year ending June 30, 1850, they were $4,295,298.60, because:

Prior to 1845, our frontier posts were all established either on the Gulf of Mexico, on Lake Superior, or on the headwaters of the Mississippi and its tributaries. They were all, therefore, accessible by water, and many of them situated in the midst of a fertile and cultivated country. Now, on the contrary, they are either on the Pacific coast, on the route to Oregon, or far in the interior of Texas and New Mexico, remote from navigable streams and from the States where enlistments are made and whence all their supplies are drawn. . . .[44]

The result of this was that pork which cost $8.00 per barrel at the nearer interior posts in Texas, rose to $48.00 per barrel at Paso del Norte and Dona Ana; while flour increased from $5.30 per barrel to $31.80.[45]

Turning now to Mr. Conrad's report of November 29, 1851, we again find the same points emphasized in a slightly different way. It was pointed out that in 1845 "our most remote

[43]Extracts from report of November 30, 1850. 31 Cong. 2 sess. vol. 1, pt. 2, (ser. 587), *Sen. Ex. Doc. 1*, 3.

[44] *Ibid.*, 8.

[45] *Ibid.*, 5.

posts" like Forts Snelling, Leavenworth, Wilkins, Gibson, and Smith, were all accessible by steamboat, while Fort Scott, the most remote, involved a wagon haul of ninety miles. But in 1851 it was 637 miles by wagon from Fort Leavenworth to Fort Laramie; 728 miles to Fort Union; 821 miles to Santa Fe; 981 miles to Socorro; and 1,048 miles to San Juan. Many of these distant posts were in uncultivated districts, and food and supplies had to be transported to them at great expense.[46] But this far-flung frontier also reminded Mr. Conrad that there were only 10,538 men in the army, of whom only 8,500 were effective; more than half of whom were on the frontier; but only 736 on the Pacific coast.[47] So, as usual, more men were needed in the army. Indians in remote places like New Mexico or Utah could raid exposed portions of the frontier, between agencies or army posts, plunder, steal, and kill; and vanish into the desert haze long before an isolated army company could have time to assemble and pursue them.

Two years later, in his report of December 1, 1853, Secretary of War Jefferson Davis, after pointing out that the territorial extent of the country had been increased by over a million square miles and the Indian population from 240,000 to over 400,000, added:

> In 1808 our Indian frontier requiring troops for its protection was less than 1,000 miles in extent, and there were no long lines of communication requiring defence. Now that frontier has increased to more than 3,000 miles; and our communications through the Indian country, traversed annually by thousands of our citizens, and requiring constant protection, to more than 4,000 miles.[48]

During the same period (1808-1853), the peace-time establishment of the army had increased only from 9,991 to a legal

[46] 32 Cong. 1 sess. vol. 2, pt. 1, (ser. 634), *H. Ex. Doc. 2,* 109-110.

[47] *Ibid.,* 108.

[48] 33 Cong. 1 sess. vol. 2, (ser. 691), *Sen. Ex. Doc. 1,* 12.

limit of 13,821 (under act of June 17, 1850) and an actual limit of 10,417.[49]

Such, in brief, was the situation in the early fifties. Such were the effects of territorial expansion upon the Indian problem. In 1840 it had seemed possible to maintain a "permanent Indian frontier," and thus to solve the Indian problem. The illusion of that idea was definitely proved by 1850 as a result of the emigration to the Pacific and the manner in which the Indian Country was surrounded by the whites. By our territorial acquisitions we enlarged the frontier and the Indian population, and obtained a series of chronic Indian disturbances.

[49] *Ibid.*, 3 and 11.

II

THE OFFICE OF INDIAN AFFAIRS 1849-1860

THE President of the United States is the ultimate head of all executive departments. His influence over any given branch of the government service varies according to the exigencies of the time. The relations of the President with the Office of Indian Affairs during the period covered by this thesis were, perhaps, more intimate than they are today. The treaty period, which came to a close in 1871,[1] was then at its height; and every treaty made with an Indian tribe required, if ratified by the Senate, presidential proclamation. A second contact between the President and the Indian Office consisted of the various positions in the Indian service that lay within the gift of the administration, most of which are at present under the civil service.[2] Then too, executive orders were often required for the establishment of Indian reservations[3]—such orders have constituted a very important contact between the President and the Office of Indian Affairs.

[1]Act of March 3, 1871. 16 *U. S. S. L.*, 566.

[2]L. F. Schmeckebier, *The Office of Indian Affairs*, 293-299.

[3]Up to 1890 Indian reservations had been established as follows:

By executive order, 56.
By executive order under authority of Congress, 6.
By Act of Congress, 28.
By treaty, with boundaries defined or enlarged by executive order, 15.
By treaty or agreement and Act of Congress, 5.
By unratified treaty, 1.
By treaty or agreement, 51.
—U.S.D.I., O.I.A., *Bulletin 24, (1923)*.

Next in authority to the President, prior to 1849, was the Secretary of War. The act of August 7, 1789[4]—which authorized the creation of the Department of War—provided:

> SEC. 1. . . . the Secretary for the Department of War shall . . . perform and execute . . . duties . . . relative to Indian affairs.

We do not need to seek far in order to learn why the War Department was entrusted with the management of Indian relations. The military men who were stationed in the several posts on the frontier came into more intimate contact with the Indians, both during peace and war, than did any other class of officials. Unfortunately our relations with the aborigines were all too often of a hostile nature, and so it seemed entirely logical that the War Department should be given jurisdiction over Indian affairs. However, by the act of March 3, 1849,[5] which authorized the creation of the Department of the Interior, it was provided:

> SEC. 5. . . . That the Secretary of the Interior shall exercise the supervisory and appellate powers now exercised by the Secretary of the War Department, in relation to all the acts of the Commissioner of Indian Affairs. . . .

Thus the control of Indian affairs was brought under a civilian department. We should be mistaken, however, to suppose that that change involved any serious revision of Indian policy. Beginning in 1849 the Commissioner of Indian Affairs submitted his reports to the Secretary of the Interior instead of to the Secretary of War; the field superintendents and agents, though placed under the control of the Department of the Interior, remained under the immediate supervision of the Commissioner as of old. It may be noted, however, that the creation of the Interior Department led to fairly constant wrangling between the civil and military authorities as to who

[4] *U. S. S. L.*, 49.
[5] *U. S. S. L.*, 395.

were the best qualified to manage Indian relations. Before 1849 the entire management of Indian affairs had been the business of the military. After that date such important duties as the negotiation of treaties, the distribution of annuities, and the supervision of Indian trade passed within the control of a civilian department. But the military authorities had continually to provide adequate protection for the frontier; theirs was the duty of guarding the agency posts; theirs the duty of fighting the Indians when hostilities had commenced. Thus we may say that the law of 1849, which created the Department of the Interior and thereby placed the Indians under civilian control, while not involving any serious revision of Indian policy, did cause a division of the field work between the military and civil authorities. These two branches of the government service should have coöperated in the execution of their duties. While they often did so, they as frequently quarreled.[6]

During the eighteen-fifties, as today, the most important position in the Indian service in Washington was that of Commissioner of Indian Affairs. That position was created by an act of July 9, 1832,[7] by the first section of which it was provided:

> That the President shall appoint, by and with the advice and consent of the Senate, a Commissioner of Indian Affairs, who shall, under the direction of the Secretary of War, and agreeably to such regulations as the President may, from time to time, prescribe, have the direction and management of all Indian affairs, and of all matters arising out of Indian relations, and shall receive a salary of three thousand dollars per annum.

As we have already noted, the act of March 3, 1849,[8] transferred to the Secretary of the Interior "the supervisory and appellate powers now exercised by the Secretary of the War

[6]Several examples of coöperation, as well as of lack thereof, between the civil and military authorities in regard to the management of Indian affairs will be brought out later in this thesis.

[7]4 *U. S. S. L.*, 564.

[8]9 *U. S. S. L.*, 395.

Department, in relation to all the acts of the Commissioner of Indian Affairs." The Commissioner of Indian Affairs was—and is—the focal point of Indian administration. To him came all communications from the field. These were sent to the proper division of the Office of Indian Affairs for examination, after which they were returned to the Commissioner for his final action. From the Commissioner orders and instructions were sent to the superintendents and agents, by whom, if necessary, they were forwarded to the traders, missionaries, or others whom they concerned.[9] The bulk of the Commissioner's correspondence consisted of letters and official reports from the various superintendents; and replies, orders, and instructions thereto. The agents usually wrote to the superintendents, but also, on occasion, wrote directly to the Commissioner, as also did missionaries, traders, Indians, and various officials in Washington.

The act of 1832 also provided:

> Sec. 3. . . . That all accounts and vouchers for claims and disbursements connected with Indian affairs shall be transmitted to the said Commissioner for administrative examination, and by him passed to the proper accounting officer of the Treasury Department for settlement. . . .[10]

Thus all expense accounts of superintendents and agents, special accounts of treaty expenses, annuity payments, claims for damages due to Indian wars, and claims for the restoration of stolen property were passed upon by the Commissioner. In addition to the duties mentioned above, he had to prepare an annual report upon the status of the Indian service. These documents, which were based upon his knowledge of conditions in the field as well as administrative and legislative policies in Washington, may be regarded as the most authoritative summary of Indian affairs in general that is available.

[9]Schmeckebier, *op. cit.*, 270.

[10]4 *U. S. S. L.*, 564.

Having thus noted the main characteristics of the organization of the Office of Indian Affairs in Washington, let us turn our attention to the field organization. Reorganization was needed in 1849. Commissioner Orlando Brown, in his annual report, November 30, 1849, said:

> I would respectfully call attention to the present defective and inefficient organization of this branch of the public service. However well adopted to the condition of things in 1834, when it was prescribed, it is incompatible with the present state of affairs, and altogether inadequate to enable the department to discharge in a proper manner the enlarged and more complicated trusts and duties now devolving upon it.[11]

According to Mr. Brown, the number of superintendents and agents was inadequate to handle an enlarged Indian population, or properly to control the relations of the whites therewith. He pointed out that in 1849 there were only five superintendents, two of whom were also agents, while two others were only ex-officio superintendents, being the governors of Oregon and Minnesota territories; which left but one full and independent superintendent, located at St. Louis.[12] This lack of superintendents constituted "one of the most serious defects of the present system," a defect that was much emphasized by the nation's westward expansion. In spite of the fact that we had been in possession of the Oregon Country for three years and of the Mexican Cession for over one year prior to this report of Brown's, there was but an ex-officio superintendent in the former, and no superintendent at all in the latter region. Brown held that there should be seven full

[11]31 Cong. 1 sess. vol. 3, pt. 2, (ser. 570), *H. Ex. Doc. 5,* 952.

[12]The Indian superintendents in 1849 were as follows: (1) Minnesota superintendency, Alex. Ramsey, gov. and ex-officio supt. (2) Oregon, Joseph Lane, gov. and ex-officio supt. (3) Southwestern superintendency, John Drennan, acting supt. and agent for the Choctaws. (4) Michigan, C. P. Babcock, acting supt. and agent for the Ottowas and Chippewas. (5) St. Louis superintendency, D. D. Mitchell. See 31 Cong. 1 sess. vol. 3, pt. 2, (ser. 570), *H. Ex. Doc. 5,* 959-960.

and independent superintendents: four east of the Rockies including Texas, and one each for Oregon, California, and New Mexico. These recommendations were ultimately fulfilled.

Nor were there enough agents. By the law of June 30, 1834, the number of agents could not exceed eleven.[13] In 1849 there were but nine agents actually employed.[14] The number of sub-agents was not limited by law, and there were twelve of them in the service in 1849. Brown recommended the reduction of the sub-agencies to three, and the legal establishment of five minor and twelve full agencies: i.e., about four agencies for each state or territory except Texas, New Mexico, California, and Oregon, which would have two each. Although the above recommendations were not exactly followed, it may be remarked in passing, that within a little over a year from the time of his report three agents for Oregon,[15] three for California,[16] three special agents for Texas,[17] four agents for New Mexico and one for Utah[18] had been provided for by various acts of Congress. But we should be entirely justified in concluding, with Brown, that at the time of his report, November 30, 1849, there were neither superintendents nor agents enough adequately to control an increasingly complex Indian situation. Let us examine more closely the importance,

[13]Mr. Brown is here in error. The law of 1834 (4 *U. S. S. L.*, 735) allowed twelve agents (sec. 4).

[14]The Indian agents reporting in 1849 were as follows: (1) Sante Fe, James S. Calhoun: (2) Salt Lake, Cal., John Wilson: (3) Winnebago agency, J. E. Fletcher: (4) Fort Leavenworth agency, not reporting: (5) Osage River agency, Charles N. Handy: (6) Choctaw agency, John Drennan (also acting supt. Southwestern supty.): (7) Creek agency, Philip H. Raiford: (8) Chickasaw agency, A. M. M. Upshaw: and (9) Detroit agency, C. P. Babcock (also acting supt. Michigan supty.). See 31 Cong. 1 sess. vol. 3, pt. 2, (ser. 570), *H. Ex. Doc. 5*, 959-960.

[15]Act of June 5, 1850. 9 *U. S. S. L.*, 437.

[16]Act of September 28, 1850. 9 *U. S. S. L.*, 519.

[17]Act of September 30, 1850. 9 *U. S. S. L.*, 555.

[18]Act of February 27, 1851. 9 *U. S. S. L.*, 587.

duties, and number of superintendents and agents during the years 1849-1861.

The duties of the superintendents of Indian affairs were outlined in the third section of the law of June 30, 1834:[19]

> SEC. 3. . . . the superintendents of Indian affairs shall, within their several superintendencies, exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the government in the Indian department, under such regulations as shall be established by the President of the United States; and may suspend such officers and persons from their office or employments, for reasons forthwith to be communicated to the Secretary of War.

In 1849 the jurisdiction over the superintendents was changed from the War Department to the Department of the Interior. As the Commissioner of Indian Affairs was the central figure in Indian administration in Washington, so the various superintendents were so many focal points of field administration. To them the Indian agents reported; to them traders came for licenses; to them came orders from Washington; and Washington, in turn, received definite statements of tribal conditions from its superintendents. In addition to reports on the general condition of Indian affairs within his superintendency, each superintendent was required to send to Washington a quarterly statement of the financial condition of his superintendency, together with suggestions for needed appropriations for the coming fiscal year.

Superintendents held some duties in common with agents. The making of treaties (when so authorized by the Secretary of the Interior or the Commissioner of Indian Affairs), the distribution of annuities, either in the form of money, or, more often, of goods, the prohibition of the trade in ardent spirits, the licensing of traders, the supervision of Indian edu-

[19] 4 *U. S. S. L.*, 735.

cation and the promotion of missionary work: these duties, while falling more frequently to the lot of the agents than otherwise, fell not infrequently to the superintendents. But the latter were more immediately concerned with the "general supervision and control" of Indian affairs than with the more detailed and specific duties of the agents. One superintendency as a rule included several agencies within its limit. Thus in his report for the quarter ending December 31, 1853, Joel Palmer, superintendent for Oregon, mentioned that there were three agents and five sub-agents under his jurisdiction.[20] The New Mexico superintendency, after the passage of the law of February 27, 1851,[21] contained four agencies; and the Central superintendency, with its offices located at St. Louis, managed an agency as distant as was that of Thomas S. Twiss, at Fort Laramie. We could continue to multiply examples, but we need not do so to bring out our point: that a superintendent, not being in immediate control of any one specific tribe of Indians, but enjoying extensive supervisory control over all the tribes within a given region, was thus enabled to furnish to the Commissioner at Washington more detached and impartial information than could an agent who was definitely associated with one tribe. Commissioner Orlando Brown brought out the above point very clearly in his report of November 30, 1849, when he said of the superintendents:

> . . . Having no immediate connexion with any particular tribe, they can be relied on as the sources of more impartial and correct information in regard to all than can generally be expected from the agents themselves, influenced as they are more or less likely to be by feelings of partiality for the Indians with whom they are immediately connected, and for whose good conduct and welfare they are to a considerable extent responsible.[22]

[20]U.S.D.I., O.I.A., General Files, *Oregon,* P 188/1854.

[21]9 *U. S. S. L.,* 587.

[22]31 Cong. 1 sess. vol. 3, pt. 2, (ser. 570), *H. Ex. Doc. 5,* 952.

A vivid picture of the daily life of the Indian superintendents can be formed by merely going through their correspondence in the files of the Office of Indian Affairs. We may take as fairly typical of peace times the correspondence of Thomas J. Henley—superintendent in California from 1854 to 1859—during the month of December, 1854. During that month Henley wrote at least twenty-one letters to Commissioner George W. Manypenny. To take only a few of these letters as examples: we find on December 8 a report on the general conditions at the Nome Lackee reservation;[23] on December 15 Henley forwarded the account and letter of one H. S. Washburn for surveying the Sebastian reservation;[24] on the same day we also find a statement in relation to furnishing the Indians in the vicinity of Santa Barbara with agricultural implements.[25] December 18 brings to light a suggestion for the establishment of two more reservations, together with an estimate of the cost thereof.[26] On December 19 Henley forwarded a copy of the regulations adopted for the government of the Nome Lackee reservation.[27]

Another Indian superintendent worthy of mention was James S. Calhoun.[28] He was Indian agent at Santa Fe from 1849 to 1851. New Mexico Territory was organized in 1850. On December 23 President Fillmore sent Calhoun's nomination as territorial governor to the Senate; that body confirmed the nomination on January 7, 1851. He was inaugurated at Santa Fe on March 3.[29] Throughout his short administration as governor and ex-officio superintendent of Indian affairs, conditions remained in a critical state. They were

[23]U.S.D.I., O.I.A., General Files, *California,* H 747/1855.
[24]*Ibid.,* H 756/1855.
[25]*Ibid.,* H 759/1855.
[26]*Ibid.,* H 764/1855.
[27]*Ibid.,* H 766/1855.
[28]Little is known of Calhoun's life, but that little can be found in A. H. Abel, ed., *The Official Correspondence of James S. Calhoun,* Introduction.
[29]*Ibid.,* 296, *note 6.*

made not less critical by the extremely complicated ethnic inter-relationships in New Mexico. There were, it was estimated,[30] about 60,000 Mexicans, and only 500 Americans in the territory in 1851. These were surrounded by about 45,000 Indians. The Pueblo Indians were semi-civilized, while the four great tribes of roving Indians—the Apaches, Comanches, Navajoes, and Utes—were predatory and wild. An examination of Calhoun's correspondence shows that he consistently emphasized certain points: (1) The Indians should be instructed in agricultural pursuits. (2) It was necessary to feed all but the Navajoes, who could take care of themselves, but they should be aided by gifts of agricultural implements. (3) No Indian tribe should be located within one hundred miles of the Mexican border.[31] Again, writing to Brown on March 30, 1850, Calhoun, speaking of the wild Indians, said:

> These Indians, including their various independent Bands, I take it for granted, must be located and confined within certain fixed limits and there compelled to remain, and to build up Pueblos and cultivate the soil.[32]

This suggestion for the establishment of a system of Indian reservations in New Mexico was doomed to utter failure. It is, however, worthy of note because the reservation system which started in California in 1853, is one of the rods by which we can measure the gradual evolution of our Indian policy during this period.

Indian affairs in New Mexico seem to have gone from bad to worse. We find Calhoun writing to President Fillmore, March 29, 1851, of the "deplorable condition of affairs in New Mexico,"[33] and a year later to Luke Lea: "Our Territory is

[30]Indian Agent John Greiner to a friend, July 29, 1851. See Tod B. Galloway, ed., "Private Letters of a Govt. Official in the Southwest," in *Journal of Am. Hist.*, III, no. 4, 545. For Indian population see *ante*, 4.

[31]Calhoun to Orlando Brown, March 29, 1850. Abel, *op. cit.*, 175.

[32]*Ibid.*, 178.

[33]*Ibid.*, 305.

in a more critical condition than it has ever been before. . . . I have deemed it advisable for every American female to leave the country with as little delay as possible."[34] This last letter is of particular interest, for it was one of the last that Calhoun was ever to write. I cannot refrain from quoting the last paragraph, which has a truly epic and tragic ring:

> Although I have been lying at the point of death and forbidden by my physicians to attend to my public duties and even now have to be propped up in my bed in order to sign my name, I have requested the writer of this to give you the facts so that if the Government is going to afford us any assistance they may do so at once, as every moment's delay brings us nearer to destruction and all assistance may arrive too late to be of any avail.

Calhoun wanted to go home, his daughter having died sometime during the past winter, probably late in 1851, in Georgia.[35] Although he obtained his leave, sickness prevented him from leaving New Mexico until near the end of May, 1852. When, at last, he did leave, he took his coffin with him.[36] Sick and sorrow laden, he died on the homeward road, and was buried, probably at Independence, Missouri;[37] far from that Georgia home which he loved and which he had hoped to see once more. Thus passed an officer, who, though not in the highest of government stations, was nevertheless in

[34]Calhoun to Lea, April 6, 1852. U.S.D.I., O.I.A., General Files, *New Mexico,* N 44/1852.

[35]Calhoun's daughter must have died late in 1851, because her death was mentioned by Indian Agent John Greiner, in a letter to a friend, dated from Sante Fe, January 24, 1852. See Tod B. Galloway, ed., "Private Letters of a Govt. Official in the Southwest," in *Journal of Am. Hist.,* III, no. 4, 547.

[36]John Greiner to Luke Lea, May 31, 1852. U.S.D.I., O.I.A., General Files, *New Mexico,* G 38/1852.

[37]Calhoun's secretary, David V. Whiting, notified Luke Lea of Calhoun's death in a letter from Independence, Missouri, July 5, 1852. *Ibid.,* W 120/1852.

an important one; and who served well in that post from first to last.

As we have already noted,[38] there were only five superintendents, and only one "full and independent" superintendent, in 1849. By an act of June 5, 1850,[39] an independent superintendency was created in Oregon; Anson Dart became the first independent superintendent thereof, with a salary of $2,500 per year. The territorial status was granted to both New Mexico[40] and Utah[41] on September 9, 1850. We have already seen how James S. Calhoun filled the position of governor and ex-officio Indian superintendent in the former; Brigham Young did, or attempted to do, similar duty for the latter.

A general reorganization of the field service of the Office of Indian Affairs was brought about by the appropriation act of February 27, 1851.[42] The second section thereof provided:

> . . . That from and after the thirtieth day of June next, all laws or parts of laws now in force, (a) providing for the appointment or employment of superintendents of Indian affairs, of whatever character, for any of the Indian tribes east of the Rocky Mountains, and north of New Mexico and Texas, shall be, and the same are hereby repealed; and that the President be, and he is hereby, authorized by and with the advice and consent of the Senate, to appoint three superintendents of Indian affairs, for said Indians, who shall receive an annual salary each of two thousand dollars, and whose duty it shall be to exercise a general superintendence over such tribes of Indians as the President of the United States, or the Secretary of the Department of the Interior may direct, and to execute and perform all the powers and duties now assigned by law to superintendents of Indian affairs. . . . [Governor of Minnesota to temporarily remain ex-officio superintendent of Indian affairs in his territory.]

[38] *Ante*, 19.
[39] 9 *U. S. S. L.*, 437.
[40] 9 *U. S. S. L.*, 447.
[41] 9 *U. S. S. L.*, 453.
[42] 9 *U. S. S. L.*, 586.

The above act abolished the St. Louis, the Southwestern, and the Michigan superintendencies. It created in their stead the Central, the Southern, and the Northern superintendencies. D. D. Mitchell, who had been in charge of the St. Louis superintendency, was continued in charge of the Central superintendency. John Drennen, formerly Southwestern superintendent, became head of the Southern superintendency. Elias Murray was appointed to the new Northern superintendency, and Alexander Ramsay continued as governor and ex-officio superintendent of Indian Affairs in Minnesota.

The California superintendency was created by an act of March 3, 1852,[43] and was first filled by Edward F. Beale, at a salary of $4,000 per year. With the organization of Washington Territory by the act of March 2, 1853,[44] the Oregon superintendency was divided in two, the portion thereof lying north of the Columbia River was known as the Washington superintendency, and was placed under the management of Isaac I. Stevens, then governor of that territory. Thus, by 1853, there were nine Indian superintendencies in place of the five of 1849. But the process of change continued. On April 15, 1856, the Indians who had been under the jurisdiction of the Minnesota superintendency were placed under that of the Northern superintendency, and Francis Huebschmann, superintendent of the latter district, took over that portion of the work of Governor Willis A. Gorman, of Minnesota Territory, which was connected with Indian affairs.[45] By an act of March 3, 1857,[46] the Oregon and Washington superintendencies were abolished, and one superintendency, known as the Oregon and Washington superintendency, was created in their stead. James W. Nesmith was put in charge. An act of

[43]10 *U. S. S. L.*, 2-3.

[44]10 *U. S. S. L.*, 172.

[45]Huebschmann to Manypenny, October 15, 1856. 34 Cong. 3 sess. vol. 2, (ser. 875), *Sen. Ex. Doc. 5,* 585-586.

[46]11 *U. S. S. L.*, 185.

June 19, 1860,[47] abolished the California superintendency, and created in its stead a northern and a southern district; at the same time a new office, that of superintending-agent, was created. John A. Dreibelbis was appointed superintending-agent for the former; James Y. McDuffie for the latter.[48]

Thus, in 1860, there were six full and independent superintendencies and two districts, the latter under superintending-agents. No territorial governors, and no agents, were any longer ex-officio superintendents of Indian affairs. The hope of Orlando Brown in 1849 was very largely an actuality by 1860.

Under the superintendents came a class of officials, less in rank, but certainly not less in importance, than the superintendents themselves. Indeed, the agents and sub-agents may even have been of greater actual importance than were their superiors. Scattered throughout the territories and the Indian Country of the west, these men, often frontiersmen themselves, came into far more intimate contact with the Indians than did anyone else save the traders and a few missionaries.

The duties of the Indian agent were varied. Among them may be listed the following: (1) The reporting of claims made for injuries inflicted by Indians upon whites and by whites upon Indians; (2) the compilation of lists of Indians to whom rations should be issued; (3) the payment of government annuities to chiefs; (4) the arrangement for visits of chiefs to Washington; (5) the settlement of intertribal disputes; (6) the supervision of local educational development.[49] Indian agents, in common with superintendents, enjoyed the right to issue licenses to traders or to revoke the same;[50] and, when so instructed by the Secretary of the Interior or the Commis-

[47]12 *U. S. S. L.*, 57.

[48]A. B. Greenwood to Dreibelbis, July 30, 1860. U.S.D.I., O.I.A., *Letter Book No. 64*, 143-144. Greenwood to McDuffie, July 31. *Ibid.*, 150-151.

[49]Ruth A. Gallaher, "The Indian Agent in the United States before 1850," in *Iowa Journal of History and Politics*, XIV, no. 1, (Jan. 1916), 37.

[50]Sec. 2. Indian Intercourse Act of June 30, 1834. 4 *U. S. S. L.*, 729.

sioner of Indian Affairs, could negotiate treaties. The importance of the honest performance of the above duties cannot be overestimated.

The agents in dealing with the Indian tribes were to the government at Washington what fingers are to a blind person. They were both the source of information and the means of execution. They were dual representatives. To the Indians they represented the Great Father at Washington; while they were often the only means by which the Indian side of a question was made known to the men in authority.[51]

It was, therefore, perfectly obvious that much depended upon the character of the individual agents. No doubt most of them were average men, with a fair degree of honesty; some, like Kit Carson, agent at Taos, New Mexico, from 1854 to 1861, were excellent; and many were much liked by their Indian wards. But some also were cheats of the worst type. The opportunities to cheat were many. Annuities could easily be withheld from the Indians.[52] Though prohibited from trading by the act of June 30, 1834,[53] an agent could, without much difficulty, engage in trade, for the Indians knew not the law. If an agent were without either morals or brains—and some few of them may have come within that status—he could allow the sale of intoxicating spirits to the Indians, and receive a considerable bribe as his part of the bargain. He need not wonder if some murders occurred as a result of his act. A factor that may have tended to lower the standard by which Indian superintendents and agents were appointed was the political nature of the patronage of the Indian Office. Thus:

Agencies and traderships, are the perquisites, so to speak, of the locality. It was certainly true before the war that Texas and Arkansas had some such understanding as to Indian Territory,

[51]Gallaher, *op. cit.*, 35.

[52]See speech of Sam Houston in U. S. Senate, January 26, 1857. *Congressional Globe,* 34 Cong. 3 sess., 475.

[53]Sec. 14. Act of June 30, 1834. 4 *U. S. S. L.,* 735.

for only southerners held office there, and, from among the southerners, Texans and Arkansasans received the preference always.[54]

It would, however, be easy to overemphasize the importance of local patronage in the appointment of superintendents and agents. Thus Edward F. Beale, first Indian superintendent in California, was a native of the District of Columbia; James S. Calhoun, first governor and ex-officio superintendent of Indian affairs in New Mexico after the passage of the Territorial Act, came from Georgia; Thomas S. Twiss, agent on the Upper Platte, was a native of New York State; and so we could go on through the list. I do not deny that local patronage played an important part in appointments—I merely want to prevent that idea from being overstressed. Taken all in all, I believe the majority of Indian agents were fairly honest. In view of the opportunities for corruption, "The wonder is not that some were corrupt but that many were still honest."[55]

We may take the career of Thomas S. Twiss, Indian agent on the Upper Platte from 1855 to 1861, as fairly typical. Virtually nothing is known of this man, except that his home was at Troy, New York, during this period.[56] His official dispatches to Superintendent Alfred Cumming at St. Louis, and to Commissioner Manypenny show him to have been a man of very decided opinions, prompt in action, and of firm character. When Twiss arrived at his post at Fort Laramie, on August 10, 1855, he "found the whole Indian country in a state of feverish excitement and alarm, caused by the near approach of the Sioux expedition under the command of General Harney."[57] A year before, on August 19, 1854, Lieutenant John Grattan and his command had been killed by a band of Brule

[54]A. H. Abel, *The Indian as a Slaveholder and Secessionist,* 59.

[55]F. W. Seymour, *The Story of the Red Man,* 290.

[56]Twiss to Manypenny, Troy, N. Y., June 9, 1856. U.S.D.I., O.I.A., General Files, *Upper Platte,* T 54/1856.

[57]Twiss to Cumming, October 10, 1855. 34 Cong. 1 sess. vol. 1, (ser. 810), *H. Ex. Doc. 1, pt. 1,* 401-405.

Sioux, who were now to be restored to order and peace by the military. Herein lay the germs of a first-rate dispute between the military and civil authorities. Twiss ordered all friendly Indians to remain on the south side of the Platte.[58] In the meantime, on September 3, 1855, General Harney met a part of Little Thunder's band of Brule Sioux, and won, with but little danger to himself or his men, what has passed for the "battle" of Little Blue Water Creek.[59] Passing over the details of these events, in so far as they do not illustrate some characteristic of Thomas Twiss, we may note merely that Secretary of War Jefferson Davis virtually dictated the terms of peace;[60] a fact which must have greatly displeased Twiss, who regarded the Interior Department as more deeply concerned than the military.

Early in 1856 Twiss developed other quarrels with the military. Seth E. Ward, of the firm of Ward and Guerrier, Indian traders, was guilty of violation of the Intercourse Act; and Twiss wrote to the Interior Department recommending a revocation of that firm's license. Whereupon Ward and Guerrier appealed to Colonel Hoffman, the commandant at Fort Laramie, for protection against Twiss, whom they accused of trading with the Indians in violation of law.[61] Papers to that effect were drawn up, and laid before General Harney, who, late in February, 1856, suspended the Indian agent from all intercourse with the Sioux, and even ordered him into Fort Laramie, under arrest.[62] Thus Twiss was prevented from tak-

[58]Twiss to Manypenny, October 1, 1855. *Ibid.,* 400-401.

[59]Manypenny, *op. cit.,* 158. The date that Manypenny gives for the battle of Blue Water Creek—September 22—is incorrect. It was September 3. See Twiss to Manypenny, October 1, 1855, as cited in footnote number 58.

[60]Davis to W. S. Harney, December 26, 1855. 34 Cong. 1 sess. vol. 12, (ser. 859), *H. Ex. Doc. 130,* 4-5. Davis to President Pierce, May 10, 1856, *ibid.,* 6-8.

[61]Ward and Guerrier to Colonel Hoffman, February 7, 1856. U. S. Dept. of War, Adjutant General's Office, *Old Files Section,* 170 H/1856, enclosure 2. Hereinafter cited as U.S.D.W., A.G.O.

[62]W. S. Harney to L. Thomas, February 28, 1856. *Ibid.,* 170 H/1856.

ing any part in the deliberations of the Fort Pierre Council, which met during the first week of March, to settle the Sioux difficulties. No wonder that he regarded the arrogance and aggression of the military with the greatest indignation.

Coming to Washington in May, Twiss laid the whole matter before Commissioner Manypenny, and then went to Troy, New York, to visit his family. A member thereof being sick, Twiss was detained until about June 10. Returning to Washington, he received instructions from the Indian Office, and finally arrived at Bisonette's trading house, near Fort Laramie, on July 31.[63] From that point Twiss wrote to Colonel Hoffman at the fort, stating that he was instructed to "confer with the Military Officer in command of Fort Laramie for the purpose of learning his opinion" upon the Indian situation in the Upper Platte agency.[64] The same day Colonel Hoffman penned a curt reply, reminding Twiss that "your functions as Indian agent were suspended until further orders, and unless you can lay before me an official paper from the proper authority, showing that the suspension is removed, I must consider it as still in force."[65] Later still on the same day (July 31) Twiss replied to the above:

> I have yet to learn, however, that an officer of one Dept. of the Government has any legal authority to demand of an official Agent in another, co-ordinate, co-equal Dept. of the Government, his orders & instructions from the Secretary of that Dept. in relation to his official duties, & the conduct of affairs with which he (the Agent) is specially charged.

[63]We can reconstruct the itinerary of Twiss at this time by noting the places and dates of his letters in the General Files. See *Upper Platte,* T 48/1856, Washington, May 24; a letter from Troy on June 9, T 54/1856; Washington on June 24, T 61/1856; Westport, Mo., July 2, T 67/1856; Bissonette's trading house, July 31, T 82/1856.

[64]Twiss to Hoffman, July 31, 1856. U.S.D.I., O.I.A., General Files, *Upper Platte,* T 82/1856 (Letter I).

[65]Hoffman to Twiss, July 31. *Ibid.,* T 82/1856 (Letter II).

I did not leave the City of Washington without orders & instructions from the proper authority, in relation to all difficulties & matters concerning this Agency. . . .

In accordance with these orders & instructions, I shall enter forthwith upon the discharge of my official duties.[66]

Colonel Hoffman was in the wrong, and should have known it. Twiss was answerable to Commissioner Manypenny and the Interior Department, not to Jefferson Davis and the War Department. Finally, August 8, Colonel Hoffman wrote to Twiss that he had received an express from Fort Pierre, with instructions from General Harney "of a character to remove the objections which I had entertained to recognizing your official position."[67] And thus the quarrel came to a close.

We may conclude this sketch of Agent Twiss by noting his views on traders and Indians in general. Writing to Alfred Cumming, the superintendent at St. Louis, on October 10, 1855, Twiss said:

It is obviously the duty of the government to occupy the Indian country in such force as to overawe the tribes; to observe in our intercourse with them a character of firmness and decision; and in our treaty stipulations to be most liberal and generous—to give, in presents, much more than they ask for, or have any reason to expect. They are only the wards of a great and powerful nation—poor, helpless, ignorant children—and will always remain such. It therefore becomes the duty and true policy of a generous people to destroy at once the power of these tribes to do mischief, and then to feed and clothe them for the short remnant of their days, and to adopt such other measures to ameliorate their condition as may be deemed proper. Let us civilize first, or make the attempt to lead them into habits of agriculture, and of having fixed habitations. Missions and schools will then soon follow as a matter of course.[68]

[66]Twiss to Hoffman, July 31. *Ibid.*, T 82/1856 (Letter III).

[67]Hoffman to Twiss, August 8. *Ibid.*, T 82/1856 (Letter VI).

[68]34 Cong. 1 sess. vol. 1, (ser. 810), *H. Ex. Doc. 1, pt. 1,* 401-405.

No statement that I could add would make the above any more clear than Twiss made it; so I leave it alone. Twiss seems ever to have been pessimistic concerning the ultimate fate of the Indian; and well he might have been at a time when many, if not most, people thought that the only good Indian was a dead Indian; when the government was forever changing its policy toward the tribes; and when there was a never-ending contest between two departments for the control of our "subject" population. In a letter to Manypenny, September 12, 1856, Twiss pointed out that another cause of trouble was the degraded character of many whites resident in the Indian Country.

> Those whites who reside among the Indians of the prairies are neither the pioneers of civilization nor settlements, but emphatically fugitives from both. . . . It is impossible for them to reside in the States or organized Territories, because the relations of peace and amity between them and the courts of justice are interrupted. . . . They teach the Indians lessons in their own school of depravity.[69]

Twiss did admit, however, that there were some honest and worthy Indian traders.

I hope I have caught the spirit of the man in the various foregoing quotations. Firm in upholding his own rights and the rights of his department; ready to do the best by the Indians as he saw the best; keenly alert to Indian problems but ever pessimistic or questioning the ultimate fate of the Indian; Thomas S. Twiss held the Upper Platte agency for six years.

From this sketch of the Indian agents we turn, in the following chapters, to a more specific study of Indian affairs in the Far West.

[69]34 Cong. 3 sess. vol. 1, pt. 1, (ser. 893), *H. Ex. Doc. 1,* 639-640.

III

INDIAN POLICY IN CALIFORNIA 1847-1860

THE ORIGINS AND DEVELOPMENT OF THE RESERVATION SYSTEM

THE Indian situation in California during the early part of the American régime was well pictured by one Colonel Bidwell in a letter to a California congressman, Mr. McCorkle, December 20, 1851:

> Our own circumstances in California, are, as you well know, by a small experience and observation, in very many respects peculiar. There are bands and tribes of Indians on the whole frontiers of the Atlantic States. But here we have not only Indians on our frontiers, but all among us, around us, with us—hardly a farm house . . . without them. And where is the line to be drawn between those who are domesticated and the frontier savages? Nowhere—it cannot be found. Our white population pervades the . . . entire state, and Indians are with them everywhere.[1]

Thus we see the difference between the trans-Mississippi "permanent" Indian frontier—with the whites living in organized territories and states to the east, and the Indians in the unorganized Indian Country to the west thereof—and California.

The importance of the Indian problem in California had been realized by the United States military authorities prior to the organization of a civil government and the attainment of statehood. Two years before the creation of the Department of the Interior, at a time when the Office of Indian

[1]U.S.D.I., O.I.A., General Files, *California,* M 54/1852.

Affairs was still under the jurisdiction of the War Department, we note the origins of the federal Indian policy in California. On April 7, 1847, by virtue of his military authority, General S. W. Kearny appointed John A. Sutter subagent for the Indians living on and near the Sacramento and San Joaquin rivers.[2] On the fourteenth of the same month M. G. Vallejo was appointed to the sub-agency on the north side of the bay of San Francisco.[3] On August 1, J. D. Hunter was notified of his appointment to the San Luis Rey subagency.[4] These military appointees seem to have proved themselves good administrators of Indian affairs. Both Sutter and Vallejo had had much experience with the Indians in their districts; better men could not have been found for their positions.[5] Governors Kearny and Mason and the sub-agents under them seem to have been honestly interested in the welfare of the Indians. Thus, in his instructions to Vallejo, April 14, 1847, Kearny requested the former to "explain to the Indians . . . the change which has taken place in the government of this country; that they must now look upon the Californians and Americans as one people"; and added that he would attempt to send Vallejo a supply of Indian goods for presents.[6] Later, on April 28, Kearny wrote to W. L. Marcy, then Secretary of War, recommending "that there should be sent here . . . some medals, beads, (white stones), red flannel, colored handkerchiefs, tobacco, &c.; a few colored blankets"[7] for presents to the Indians. Similarly, in a letter dated June 18, 1847, written to Adjutant General R. Jones, at Washington, we find Governor Mason suggesting

[2]31 Cong. 1 sess. vol. 5, (ser. 573), *H. Ex. Doc. 17,* 294.
[3]*Ibid.,* 296-297.
[4]*Ibid.,* 344-345.
[5]H. H. Bancroft, *History of California,* V, 568.
[6]31 Cong. 1 sess. vol. 9, (ser. 557), *Sen. Ex. Doc. 18,* 285-286.
[7]*Ibid.,* 275-276.

that "It would be good policy to send to this place a large supply of Indian presents, such as will be really useful."[8]

In the years following the secularization of the missions[9] many of the neophytes left them to join their wild kinsmen.[10] Governor Mason thought that these ex-neophytes "might be reclaimed and placed between the settlements . . . and the wild Indians, and thus be used as a barrier"[11] for the protection of the lonely frontier communities. The idea of reclaiming former mission Indians appeared again in instructions issued on August 1, 1847, to J. D. Hunter, the sub-agent at San Luis Rey; who was told to care for the Indians at the mission and in the neighborhood, to which was added the statement: "You will likewise endeavor to reclaim such as formerly belonged to the mission, and persuade them to return, to restore it to its former prosperity."[12] The next day Governor Mason instructed Hunter to be very kind and helpful to any Catholic priests who might come to San Luis Rey.[13] A circular, sent to all Indian sub-agents in California, by H. W. Halleck, "the Secretary of the State of California," on August 16, 1847, stated that:

> Your duties as sub-Indian agent have reference more particularly to the "Gentiles" or wild Indians, but they will also embrace the "Neophytes" or tame Indians of the missions or ranches.[14]

Such, in the main, was the situation in the years immediately prior to the gold rush. The basic policy of the military governors and their sub-agents, the maintenance of friendly relations with the Indians, met with more success than one would be led to expect from an examination of the chaotic

[8] 31 Cong. 1 sess. vol. 5, (ser. 573), *H. Ex. Doc. 17,* 314-315.
[9] *Ante,* 5.
[10] R. B. Mason to R. Jones, June 18, 1847: citation as in note 8.
[11] *Ibid.*
[12] 31 Cong. 1 sess. vol. 5, (ser. 573), *H. Ex. Doc. 17,* 344-345.
[13] *Ibid.,* 348.
[14] *Ibid.,* 358-359.

condition of the California government, which, before 1850, has been characterized as "part military and part civil, and part no government at all."[15] While it was true that the Indians every now and then indulged in cattle-stealing raids,[16] and that the whites as often paid back in kind; yet the relations between red man and white were in the main peaceful.

So far as I have been able to determine, the Indian policy in California prior to the Commission of 1850-1852—and hence before the establishment of the Department of the Interior—consisted of three main points, which we find emphasized in the instructions given to sub-agents: (1) The maintenance of peace; (2) the distribution of presents to the Indians; and (3) an attempt to reclaim ex-neophytes. We do not find any suggestion of the reservation system, which later became so important as to form the basic tenet of Superintendent E. F. Beale's system.

Thus far we have noted conditions in the Indian service in California before the creation of the Department of the Interior—prior also to any congressional action in regard thereto. The California Indian service was under the control of the military. Consideration must now be given to federal Indian policy in California as it was developed and guided by the Department of the Interior and by the action of Congress.

As has already been noted,[17] the law of 1834[18] limited the number of Indian agents to twelve. The acquisition of Oregon and the Mexican Cession rendered that small number inadequate, but as yet, in 1849, Congress had taken no steps to increase it. Agents could, however, under the terms of that same law of 1834, be transferred from one location to another when necessary. Nor was the number of sub-agents limited.

[15]R. G. Cleland, *History of California: The American Period,* 247.

[16]Kearny to Marcy, April 28, 1847. 31 Cong. 1 sess. vol. 9, (ser. 557), *Sen. Ex. Doc. 18,* 275-276. R. B. Mason to R. Jones, June 18, 1847. 31 Cong. 1 sess. vol. 5, (ser. 573), *H. Ex. Doc. 17,* 314-315.

[17]*Ante,* 20.

[18]4 *U. S. S. L.,* 735.

Therefore, in the spring of 1849, President Taylor directed that the Indian agencies from Upper Missouri and Council Bluffs be transferred to Santa Fe and Salt Lake, and caused sub-agents to be appointed for the valleys of the Gila, Sacramento, and San Joaquin rivers.[19]

Thus it was that John Wilson was notified by Commissioner of the Indian Affairs Medill, April 7, 1849, of his appointment to the agency at Salt Lake, California.[20] However, Mr. Wilson was of no significance in the history of California Indian affairs, because, when the eastern boundary of California was determined, it was found that his agency, instead of being in California, was in the heart of Utah. On April 14, 1849, Adam Johnston was appointed sub-agent on the Sacramento and San Joaquin rivers.[21] This large sub-agency was divided in November, that portion thereof which lay in the Sacramento valley being offered to John A. Sutter,[22] while Johnston was to retain the San Joaquin valley. Sutter, who, it will be recalled, had been sub-agent since 1847 under the War Department, declined this new offer,[23] and so Adam Johnston had to manage both the Sacramento and the San Joaquin. But he was not destined to work out the California Indian situation by himself. By January, 1851, there were three Indian commissioners in California with whom Johnston had to coöperate, and with whom he disagreed. But of this later.

Before we take up the work of the commissioners, we must note, however briefly, the mission of Thomas Butler King. King was sent to California under instructions dated April 3, 1849, from the State Department.[24] He was to investi-

[19]J. D. Richardson, ed., *Messages and Papers of the Presidents,* V, 19.

[20]31 Cong. 1 sess. vol. 5, (ser. 573), *H. Ex. Doc. 17,* 182-184.

[21]*Ibid.,* 187-188.

[22]Orlando Brown to Sutter, November 24, 1849. 31 Cong. 1 sess. vol. 5, (ser. 573), *H. Ex. Doc. 17,* 189-190.

[23]Sutter to Comm. Ind. Aff., May 23, 1850. U.S.D.I., O.I.A., General Files, *California,* S 508/1850.

[24]31 Cong. 1 sess. vol. 9, (ser. 557), *Sen. Ex. Doc. 18,* 10.

gate conditions in general; not Indian affairs in particular. But one suggestion of King's, made in his report of March 22, 1850, is worthy of note:

> It is possible that government might, by collecting them (the Indians) together, teach them, in some degree, the arts and habits of civilization. . . .[25]

"This seems to have been the first official suggestion for the concentration of the California Indians,"[26] and may be regarded as of importance for that reason. Aside from that one remark, King had little to say about the Indians. The concentration of the Indians on reservations formed a definite part of the policy of the commissioners in 1851 and 1852, but was not officially sanctioned at that time owing to the failure of their treaties in the Senate. Finally, during the superintendency of Edward F. Beale, the reservation system was definitely put into operation.

We left Adam Johnston sole sub-agent in the valleys of the Sacramento and San Joaquin rivers. Congress had as yet taken no action. It finally did so in September, 1850. An act of the 28th of that month[27] authorized the appointment of three Indian agents for California. Two days later another act was passed, authorizing the appointment of commissioners to negotiate treaties with the Indian tribes in California, and appropriating $25,000 for that purpose.[28] Redick McKee of Virginia, George W. Barbour of Kentucky, and Oliver M. Wozencraft of Louisiana were appointed as agents. After which it was found that by an oversight no appropriation had been made for the agents, so their functions as agents were discontinued before they had begun, and they were appointed

[25] 31 Cong. 1 sess. vol. 8, (ser. 577), *H. Ex. Doc. 59*, 8.

[26] Wm. H. Ellison, "The Federal Indian Policy in California," in *Mississippi Valley Historical Review*, IX, 47.

[27] 9 *U. S. S. L.*, 519.

[28] 9 *U. S. S. L.*, 558.

as commissioners under the law of September 30.[29] Finally, February 27, 1851, a deficiency act was passed, which provided $6,750 pay (from October 1, 1850 to June 30, 1851) for the commissioners *in their capacity as agents,* and $25,000 more toward treaty negotiations.[30] Thus, when the work of the commissioners *as commissioners* was concluded, early in 1852, they were continued—for the time being—in the federal Indian service in California as agents, under the act of September 28, 1850.

But let us resume our story of the commissioners and their work during the years 1851-2. They first went to San Francisco, at which place Wozencraft arrived on December 27, 1850, McKee on the 29th, and Barbour on January 8, 1851.[31] Fortunately the commissioners wrote many letters and kept two journals (those of G. W. Barbour and John McKee), so that, by going through the files in the Office of Indian Affairs, we can reconstruct the story of those days of 1851-2 in California with some degree of completeness. On January 13 the commissioners met in San Francisco and organized, electing John McKee, the son of Redick McKee, secretary of the commission. The next day the commissioners went to San Jose, and called upon Governor John McDougal, and visited the legislature "for the purpose of obtaining from the members . . . such information as they might be able to impart relative to the Indians and the Indian difficulties in their respective districts."[32] Although no Indian war was on, there were many reports, especially from the southern parts of the state, of raids and plundering expeditions. These outbreaks were of such a nature that Governor McDougal had found it necessary to call out the militia in the Mariposa

[29] A. S. Loughery to Commissioners, October 15, 1850. 31 Cong. 2 sess. vol. 1, (ser. 595), *H. Ex. Doc. 1,* 152.

[30] 9 *U. S. S. L.,* 572.

[31] U.S.D.I., O.I.A., General Files, *California,* M 1176/1851.

[32] Commissioners to Luke Lea, February 17, 1851. *Ibid.,* B 889/1851.

region.[33] The legislature had just authorized a loan, not to exceed $500,000, to be used in case of Indian war. Another act authorized the governor to call out troops to protect the frontier and provided for their compensation.[34] In this atmosphere, surcharged with threats of storm and devastation, the commissioners entered upon their duties. While Barbour and McKee remained at San Jose, Wozencraft went to Benicia, where he met General Persifor F. Smith, the commander of the Pacific division, with whom he made arrangements for an escort of troops. This done, and other necessary arrangements being concluded, the commissioners left for the southern part of the state, escorted by Captain E. D. Keyes and 101 picked men.[35] On February 13 the commissioners for the first time met Sub-Agent Adam Johnston, who accompanied them from that date until early April.[36]

Going up the San Joaquin Valley to the Mariposa River, the commissioners met the chiefs of six tribes, with whom they made a treaty on March 19—the first of a series of eighteen treaties that they negotiated with the California Indians. By this treaty the Indians acknowledged the United States to be sole sovereign of all the soil ceded to them by Mexico under the terms of the Treaty of Guadalupe Hidalgo. A reserve was granted the Indians between the Merced and the Tuolumne rivers, to which reserve the Indians were taken by McKee and Johnston.[37] Although this treaty was—as were all eighteen—rejected by the Senate, it may be regarded as an important precedent to the definite establishment of the reservation system

[33]*Ibid.*

[34]Wm. H. Ellison, "The Federal Indian Policy in California," in *Mississippi Valley Historical Review,* IX, 48.

[35]Redick McKee to Luke Lea, February 11, 1851. U.S.D.I., O.I.A., General Files, *California,* M 1225/1851.

[36]Johnston to Lea, April 11, 1851. *Ibid.,* I 707/1851.

[37]McKee to Lea, March 24, 1851. *Ibid.,* M 1294/1851. Ellison, *op. cit.,* 49.

—so far as I know, it was the first treaty that provided for the segregation of Indians upon a reservation in *what was primarily a white man's country.*

While at Camp Barbour, on the upper San Joaquin, on May 1, the commissioners came to the conclusion that they could meet more tribes in less time if they separated, so it was decided that McKee take the northern part of the state, Wozencraft the central, and Barbour the southern.[38] Work went ahead more rapidly now than it had when the three were acting as a joint commission. On May 13 Barbour made a treaty with twelve tribes on King's River; on June 10 he met eleven tribes at Tejon Pass. Wozencraft made a treaty with six tribes on the Stanislaus River, May 28; and McKee made a treaty with eight tribes on Clear Lake on August 20. So we might enumerate all eighteen treaties, were anything to be learned by doing so; but we have seen a sufficient sample of the activity of the commissioners. Let us look more into their ideas, their policy.

The original home of the majority of the California Indians, wrote Wozencraft to Lea, May 14, 1851,[39] was in the valleys and foothills of the Coast Range. These regions were now being turned over by gold-seekers, while most of the Indians had fled to more remote mountain regions. "Our policy is . . . to get them down from their mountain fastnesses and place them in reservations, along in the foothills bordering on the plains." Wozencraft's hope was that by thus placing the miners between the Indians, whom he would concentrate on valley reservations, and the mountains, the danger of raiding would be minimized at the same time that the Indians, by closer contact with whites, would be given better chances for

[38]Manuscript "Journal of G. W. Barbour" in U.S.D.I., O.I.A., General Files, *California,* B 12/1851.

[39]32 Cong. 1 sess. vol. 2, pt. 3, (ser. 636), *H. Ex. Doc. 2,* 486-487.

advancing in civilization. The country which Wozencraft set aside in the various treaties that he made was poor farming country, but good stock-raising country. All the treaties provided for beef cattle for the subsistence of the Indians.

In a letter written by the three commissioners to Lea on May 15,[40] we find it laid down "that the best way to keep these Indians of California quiet and peaceable is to give them plenty of food. . . . It is, in the end, cheaper to feed the whole flock for a year than to fight them for a week." The coming of the white man had driven the Indians from their fisheries and acorn groves; they must be fed or die. The Indians could be better attended to when placed on reservations. These facts were duly taken into consideration in framing the eighteen treaties, to which we now turn.

These treaties were made by commissioners Barbour, Wozencraft, and McKee between March 19, 1851, and January 7, 1852. We do not have space to analyze eighteen treaties. They were very much alike.[41] We may note the following points as being common to all of them. (1) The Indians recognized the United States as sole sovereign of all land ceded to them by Mexico under the Treaty of Guadalupe Hidalgo. (2) The Indians placed themselves under the protection of the United States, and agreed to keep the peace. (3) A defined reservation was set apart for the Indians forever. (4) Subsistence, in the form of beef cattle, was granted to the Indians while going to and getting settled upon their reservation. (5) Annuities, in the shape of clothing, agricultural implements, and farm animals were granted, usually for two years after ratification, with variations thereafter. (6) A farmer, blacksmith, and school teacher were to be pro-

[40]32 Cong. 1 sess. vol. 2, pt. 3, (ser. 636), *H. Ex. Doc. 2,* 485-486.

[41]The eighteen treaties, after their rejection by the Senate, were held secret until January 18, 1905 (see Ellison, *op. cit.,* p. 49*n.*). All eighteen of them are at present in a bundle in the Office of Indian Affairs, General Files, *California,* I 76/1852. Clipped to each treaty is the letter of rejection by the Senate.

vided for by the United States, to live on the reservation for five years, "and as long thereafter as the President shall deem advisable." Such were the most important terms of the eighteen treaties. In the third article, that concerning reservations, we see a forecast of the reservation system as it was later put into definite operation by Superintendent Beale. The eighteen treaties affected 139 tribes or bands of Indians, and set aside, as reservations, 11,700 square miles, or 7,488,000 acres of land.[42]

On May 10, 1852, Commissioner of Indian Affairs Lea asked Edward F. Beale, who had been appointed superintendent of Indian affairs for California in March, what he thought of the eighteen treaties. Beale's opinion, written in a letter to Lea on May 11, was that "the general line of policy pursued by the Commissioners and Agents in negotiating with the Indians" was "proper and expedient under the circumstances." Beale goes on to discuss various suggestions that had been made for removing the Indians from California. This he regarded as highly impracticable. To move the California Indians north would be to overcrowd Oregon; the region east of the Rockies was already well populated with Indians; the Treaty of Guadalupe Hidalgo prevented the use of the Mexican border as a location for colonization.[43] Beale's opinions did not, however, win the day. Submitted to the Senate on June 1, 1852, all eighteen treaties were rejected by that body on July 8. Mr. McCorkle, a representative of California in Congress, gave voice to the general objection of his state when, speaking on March 26, 1852, he said:

> The reservations of land, which they (the commissioners) have set apart for different tribes of Indians, comprise, in some cases, the most valuable agricultural and mineral land in the State. . . .[44]

[42]Wm. H. Ellison, *op. cit.*, 57.

[43]U.S.D.I., O.I.A., General Files, *California,* B 67/1852.

[44]*Congressional Globe,* 32 Cong. 1 sess. 890.

On top of this was the fact that the commissioners, with an original appropriation of $25,000[45] and an additional appropriation of $25,000 by the Deficiency Act of February 27, 1851,[46] had managed to spend $716,394.79.[47] In 1854 Congress allowed the claim of John C. Frémont for $183,825, mostly arising from contracts to supply the Indians of southern California with beef cattle; in 1856 claims of O. M. Wozencraft for $7,000 were allowed; in 1860 a claim of Samuel J. Hensley for $96,375, also for beef cattle, was allowed. Other claims were not allowed.[48] In the meantime, though the treaties had been rejected, many Indians had been dispossessed of their old homes. These unfortunate victims of white man's land hunger and congressional inefficiency were poorly provided for by an appropriation of $100,000 "until permanent arrangements be made for their future settlement."[49]

Their work as commissioners done, Barbour, Wozencraft, and McKee remained in California as agents, under the act of September 28, 1850.[50] Sub-Agent Adam Johnston, who had had far more experience with the California Indians than his superiors, the three agents, disagreed with the latter and was relieved of his position in January, 1852.[51] Barbour resigned his agency on February 2,[52] while Wozencraft remained until September.[53] McKee also remained, but was charged with in-

[45]9 *U. S. S. L.*, 558.

[46]9 *U. S. S. L.*, 572.

[47]Lea to Sec. of Interior, April 13, 1852. 32 Cong. 1 sess. vol. 9, (ser. 620), *Sen. Ex. Doc. 61*, 1-2.

[48]Wm. H. Ellison, *op. cit.*, 58-59.

[49]Indian appropriation act, August 30, 1852. 10 *U. S. S. L.*, 56.

[50]9 *U. S. S. L.*, 519.

[51]Lea to Johnston, January 9, 1852. U.S.D.I., O.I.A., *Letter Book No. 45*, 346.

[52]Barbour to President Fillmore, February 2. U.S.D.I., O.I.A., General Files, *California*, B 15/1852.

[53]Lea to Wozencraft, September 4. U.S.D.I., O.I.A., *Letter Book No. 46*, 298.

subordination by Beale, and, on November 30, 1852, was suspended.[54]

We now turn to Edward F. Beale, the first Indian superintendent in California, and to the manner in which he worked out the reservation system. An independent Indian superintendency was created in California by an act of March 3, 1852.[55] A superintendent was to be appointed, at a salary of $4,000 per year; and a clerk at $2,500. The next day Beale was appointed to the superintendency, and his commission was issued on March 5.[56] Beale's instructions were issued July 31.[57] The usual duties regarding the general supervision of Indian affairs within his superintendency were stated. In addition Beale was told to meet Agents Wozencraft and McKee and obtain from them such information as the department was unable to furnish. The headquarters of the superintendency were to be located at San Francisco. Since the eighteen treaties had been rejected, Beale was instructed to enter into no treaty relations with the Indians unless "imperiously required to suppress hostilities or to preserve peace." A requisition was issued in Beale's favor for $4,818.68, of which $1,318.68 was for his salary, $1,000 for presents and provisions for the Indians, and $2,500 for traveling expenses and deficiencies. When the Indian appropriation bill passed Congress, August 30, 1852,[58] Beale's salary of $4,000 and that of his clerk ($2,500) were provided for; and, in addition, an appropriation of $3,500 was made for rent, fuel, and stationery; $3,000 for interpreters—and, as we have already noted in another connection, $100,000 for the preservation of peace with those Indians who had been dispossessed of their lands in California.

[54]Beale to McKee, November 30. U.S.D.I., O.I.A., General Files, *California,* B 163/1853.

[55]10 *U. S. S. L.,* 2-3.

[56]A. H. H. Stuart to Lea, March 11. U.S.D.I., O.I.A., General Files, *California,* I 36/1852.

[57]U.S.D.I., O.I.A., *Letter Book No. 46,* 241-243.

[58]10 *U. S. S. L.,* 55-56.

During that same month of August, while Congress was wrangling over appropriation bills, Beale was en route to California. Finally, September 16, 1852, he wrote to Luke Lea reporting his safe arrival in San Francisco.[59] He also stated that there were other places more suitable than San Francisco for headquarters. Beale had received the accounts of Agents Wozencraft and McKee, but held no personal interview with them until near the end of the month. That interview was made the basis of his letter of September 30 to Lea,[60] in which he stated that he obtained but little information from the agents, as, owing to lack of funds:

> Neither of them have been to the Indian country for some six months, and this is the more to be regretted, as during that time cattle to an enormous amount have been placed in the hands of traders for the Indians and a temptation to all kinds of frauds held out to them by the prolonged absence of those whose duty it was to be vigilant in superintending these issues.

The exact status of the California Indians had been rendered uncertain by the rejection of the eighteen treaties. Only a portion of the tribes with whom those treaties had been negotiated had been moved to the proposed reservations; and since their rejection the reservations were but fictions with no standing in law. Whites not only cheated the Indians on cattle deals, but encroached ruthlessly upon their land.[61] Beale seems to have realized the critical condition of Indian affairs in his superintendency, and, after a tour of the northern portion thereof, in the vicinity of Russian River and Clear Lake, he made the following very important and definite proposals to Luke Lea, in a letter dated October 29:[62]

[59]U.S.D.I., O.I.A., General Files, *California,* B 129/1852.

[60]*Ibid.,* B 131/1852.

[61]H. C. Logan to Beale, September 21, 1852. Enclosed by Beale as testimony in B 131/1852.

[62]*Ibid.,* B 146/1852.

In the first place I propose a System of "Military Posts" to be established on reservations for the convenience and protection of the Indians. These reservations to be regarded as Military reservations, or Government reservations. The Indians to be invited to assemble within these reserves.

A system of Discipline and instruction to be adopted by the Agent who is to live at the Post.

Each reservation to contain a military establishment, the number of troops being in proportion to the population of the tribes there assembled.

The expenses of the troops to be borne by the surplus produce of Indian labor.

The reservations to be made with a view to a change in location, when increase of white population may make it necessary.

A change of present Indn. Laws to be made so as to suit the conditions of this state & the proposed policy.

Beale held his letter for three days, and on the last day of October took it to his friend, General E. A. Hitchcock, who wrote his entire approval of the plan on the back of the last page of the letter.

As the reservation system, thus outlined, had, by 1855, spread from Washington and Oregon to Texas and from California to the plains of Kansas; and as it was different in several respects from the policy that the Office of Indian Affairs had previously pursued, let us pause long enough to examine some particulars.

In its broadest sense, the reservation system goes back to 1786. The United States, unlike Spain or Mexico, had always recognized the original title of the Indians to the soil; but as our population increased it became essential to extinguish the primary Indian title. That was done, prior to 1871, by treaty.

. . . thus a tribe, in ceding land that it held by original occupancy, reserved from the cession a specified and definite part thereof, and such part was held under the original right of occupancy, but with the consent of the Government, as it was

generally expressly stated in the treaty defining the bounds that the part so reserved was "allotted to" or "reserved for" the given Indians, thus recognizing title in the Government.[63]

By such methods the United States, during the eighteen-thirties and forties, gradually consolidated the eastern tribes west of the Mississippi, in what became known as the Indian Country, with the would-be "permanent" Indian frontier from the Great Lakes to Texas as its eastern boundary. We must note, then, that the treaties of the second quarter of the last century *provided for Indian reservations in the Indian Country:* a country to which unlicensed whites were not admitted.

We have already seen that one of the effects of the acquisition of new territory in the Far West was to break down the effectiveness of the "permanent" frontier, by inducing the migration of large numbers of whites to the Pacific region. The settlement and territorial organization of Kansas and Nebraska in 1854 effectively put an end to the northern part of the Indian Country; the southern part, in which lived the Five Civilized Tribes, became known as Indian Territory.

With the above sketch in mind, we may ask what were the differences between the reservation system as it had existed in the Indian Country prior to 1853, and that system as Beale and his successors organized it in California, and as it spread to other states and territories thereafter. A few significant differences may be noted. (1) The gold rush of 1849 and the large immigration of the years immediately thereafter made California a white man's country, and made necessary the segregation of the Indians thereof upon reserves the limits of which were exactly defined. This was not the case in the Indian Country until it was organized, in 1854, as the territories of Kansas and Nebraska. There each tribe had been surrounded, except along the frontiers, by other tribes; and

[63]U.S.D.I., O.I.A., *Bulletin 24* (1923).

but little attempt had been made to confine them to their reservations. (2) Nor had the government seriously attempted to change the semi-nomadic hunting habits of the Indians in the old Indian Country. Did not the chase, by providing the Indians with skins to sell and food to eat, relieve the government of the necessity of subsisting them for twelve months per year?[64] But the segregation of the Indians upon reservations meant that they had to be subsisted, until, by hiring the requisite number of farmers, they could be taught the white man's agricultural methods. (3) The Indians in the Indian Country required fewer agents and employees than did those who were concentrated upon relatively small reserves. For example, the Upper Platte agency covered an area of 122,500 square miles.[65] But in California an agent or sub-agent was necessary for each reservation; usually also a farmer, blacksmith, some laborers, and sometimes even a school teacher.

Such were the main differences between reservations in the old Indian Country and new reservations, on which Indians were segregated, in the midst of the white man's country. Needless to say that, with the utter breakdown of the Indian Country, with its organization, first as territories, and then as states in the Union, the new system of segregating the Indians upon reservations of relatively limited area prevailed. Thus we may say that the reservation system as we of today know it originated in the suggestions of Beale in California in 1852, and in the execution of his plans in 1853 and the years thereafter.

Let us now return to Superintendent Beale, whom we left after he had obtained the approval of General Hitchcock to his letter of October 29, 1852. We need not be in the least surprised to learn that the proposed reservation system was not worked out at once. Important changes always take time

[64]Manypenny, *op. cit.*, 115.

[65]Thomas S. Twiss to Manypenny, September 22, 1856. 34 Cong. 3 sess. vol. 2, (ser. 875), *Sen. Ex. Doc. 5,* 645.

to be worked out. Late in the fall of 1852 Beale visited the southern portion of California, going up the valley of the San Joaquin River. He established an experimental Indian farm in that valley. A tour of the southern part of the state seems to have increased his confidence in the possibilities of the reservation system. Writing to Luke Lea from the Fresno River, December 14, 1852, he said:

> I write from this point, in the most confident expectation of my ability to carry out the scheme proposed in my last letter, of making useful our present worthless and troublesome Indian population. Every moment of intercourse directly with the Indians, convinces me more fully, that the system of colonization proposed in my letters is of easy practicability, and I hope by this time next year . . . to see the Indians of this region not only quiet and peaceable, but diligently and successfully following agricultural pursuits. . . . For the success of what I propose, I am willing to pledge myself, and everything I have in the world.[66]

Beale recommended immediate approval of his plans by Congress so that prompt action could be taken. "In one year from this time, there will not be a square mile of agricultural land unsettled, to the westward of the Sierra Nevada." He therefore selected a permanent home for the Indians in advance of the rush of immigrants. The home he picked consisted of the lands between the San Joaquin and the Fresno rivers, upon which he proposed "to place, and support by their own labor, every Indian between the Tuolumne and Tejon Pass."[67]

In the spring of 1853 Beale came to Washington, the better to urge his plans upon the Indian Office and Congress. Neither the one nor the other knew much about a group of savages who lived three thousand miles away; they did realize, however, that Beale's ideas were expensive. In any event Beale carried his point; for the Indian appropriation act of March 3, 1853,[68] authorized the President:

[66] U.S.D.I., O.I.A., General Files, *California,* B 184/1853.

[67] *Ibid.*

[68] 10 *U. S. S. L.,* 238.

To make five military reservations from the public domain in the State of California, or the Territories of Utah and New Mexico bordering on said State, for Indian purposes: Provided, That such reservations shall not contain more than twenty-five thousand acres in each: And provided further, That said reservations shall not be made upon any lands inhabited by citizens of California, and the sum of two hundred and fifty thousand dollars is hereby appropriated . . . to defray the expense of subsisting the Indians in California and removing them to said reservations for protection. . . .

President Pierce informed Secretary of the Interior Robert McClelland of the action of Congress in a letter of March 25,[69] and McClelland passed the news on to Beale, along with orders to leave at once for California, in a letter of April 13.[70] Beale set out on the 20th, following the California trail, and arrived safely in Los Angeles on August 22, 1853.[71]

Returned to California, Beale promptly went to the Tejon Pass, where he proposed to locate the first of the reservations authorized by Congress. He met, during the fall of 1853, various tribes of Indians, and attempted to induce them to come to the Tejon reserve. "The government would furnish them with seeds of all kinds," and would give them "provisions sufficient to enable them to live until the produce of their own labor should be sufficient to support them." The greatest difficulty to be overcome was the Indian's intense love of his native mountains and forests, and his reluctance to substitute reservation life, with its farm labor, for hunting and fishing over his beloved mountains.[72] But Beale kept up his efforts, and by the late fall of 1853 the Tejon or Sebastian reserve was definitely started. "The plan submitted by me

[69]U.S.D.I., O.I.A., General Files, *California,* P 81/1853.

[70]*Ibid.,* I 199/1853.

[71]S. Bonsal, *Edward Fitzgerald Beale,* 67-68; 166-167.

[72]Beale to Manypenny, September 30, 1853. 33 Cong. 1 sess. vol. 1, pt. 1, (ser. 710), *H. Ex. Doc. 1,* 469-472. Original in U.S.D.I., O.I.A., General Files, *California,* B 287/1853.

during the last session of Congress, is now in full and successful operation," he wrote to Manypenny on December 28, 1853.[73]

No man was ever more optimistic about his work than Beale. Not one of his letters, so far as I have examined them, contains any of that doubt which characterizes, for example, many of the letters of James S. Calhoun; nor do they contain any of the scepticism and downright pessimism which is so marked in the letters of Thomas S. Twiss. It is hard to avoid the feeling that both Calhoun and Twiss knew much more about Indian conditions than did Beale. Yet the latter undeniably had greater vision than either of the others—the reservation system, which he started with a mere handful of Indians in California, has become the accepted policy of the nation; the most definite and by far the most permanent single contribution to Indian policy in the century.

To continue our story. In that same letter of December 28th from which we have already quoted, Beale gives a picture of the beginning of farming operations on the Tejon reserve. "I have now in the field between thirty and forty ploughs and harrows every one of which is managed by an Indian boy with as much dexterity and skill as though they had done nothing else during their whole lives: already one mile square has been ploughed up and planted." Life on the reservation seems to have been that of a typical farm community. Up at sunrise, work until noon, an hour's rest and then work until sundown, often followed "by dancing and singing until midnight." By February 8, 1854, Beale could report that there were 2,000 acres in wheat, 500 in barley, and 150 in corn, and add:

> It is impossible to do justice to the docility and energy which these poor people possess. They work not only without murmur or complaint, but with the most cheerful alacrity, and as the fruits of their labor begin to show itself in the immense field now

[73]U.S.D.I., O.I.A., General Files, *California,* B 333/1854.

covered with its verdant promise of future plenty, they look at it in amazement, and with delight. . . .

Beale further adds that there are about 2,500 Indians on the reservation.[74] Writing to Manypenny, June 20, 1854, Beale reported the results of the first harvest on the reservation: 42,000 bushels of wheat and 10,000 of barley.[75]

But Beale had allowed his accounts to fall in arrears;[76] besides which he had been opposed, from the very beginning of his superintendency, by the California Whigs.[77] One of the most unfortunate phases of American public life seems to be the ease with which political opposition is transformed to personal vilification. Although Beale's character was slandered, he ultimately proved his honesty.[78] He was notified of his

[74]33 Cong. 2 sess. vol. 1, pt. 1, (ser. 777), *H. Ex. Doc. 1,* 506-507. U.S.D.I., O.I.A., General Files, *California,* B 361/1854.

[75]U.S.D.I., O.I.A., General Files, *California,* B 395/1854.

[76]P. Clayton (second auditor) to J. M. Brodhead (second comptroller), October 19, 1854. 34 Cong. 3 sess. vol. 8, (ser. 881), *Sen. Ex. Doc. 69, 3.*

[77]As early as May 1, 1852, Redick McKee had written to Luke Lea in regard to the Whig opposition to Beale's appointment. U.S.D.I., O.I.A., General Files, *California,* M 253/1852. Beale's appointment in March, 1852, had been made by the Whig administration of Fillmore, in spite of the fact that Beale himself was a Democrat who owed his commission in the navy to the friendship of Andrew Jackson. (See S. Bonsal, *Edward Fitzgerald Beale.*) Beale continued to hold office as Indian superintendent in California for a full year after the inauguration of the Democratic regime of Pierce, with George Manypenny as Commissioner of Indian Affairs.

[78]In this connection a letter from J. M. Brodhead (second comptroller) to James Guthrie (Sec. of Treasury), April 9, 1855, is of interest:

"The duties undertaken by Mr. Beale were mainly of a new and untried character, requiring peculiar energy, sagacity, and caution. His largest expenditures were incurred in testing the feasibility of a great experiment; and he affirms that the best evidence of the success of his judgment and his integrity in the conduct of that experiment, is found in the fact that he has left public property, as the result of his expenditures, exceeding in value twice, or probably three-fold, the amount of his public disbursements.

"No disposition has been shown by Mr. Beale to evade scrutiny; on the contrary, the commendable promptness and candor with which he has proferred explanation, his ready and unembarrassed replies, and his urgent request that you, as head of the department, will thoroughly examine him

removal in a letter from Manypenny, dated May 31, 1854,[79] the receipt of which he acknowledged July 15.[80] His wish had been to establish two more reservations,[81] but that task was left to his successor, Thomas J. Henley.

Thomas J. Henley, a native of the state of Indiana,[82] was notified of his appointment to the California Indian superintendency by a letter from Commissioner Manypenny, dated June 2, 1854.[83] Henley accepted the position on July 26,[84] and entered upon the duties of his office that same day.[85]

Funds for the management of Indian affairs in California were at low ebb at the close of Beale's administration; the latter had only $1,260 to turn over to Henley.[86] Though the Indian appropriation bill passed Congress on July 31, only five days after Henley took over the superintendency, his instructions required him to send estimates of funds to the Office of Indian Affairs before any requisitions would be granted. So it was necessary, for the time being, "to conduct this extensive business in a country where there is no credit, without funds."[87] The appropriation bill[88] provided for three Indian reservations in California (one of which, the Tejon, was already in operation), each reservation to contain not less than five nor more than ten thousand acres; and each to be under the

upon the points in dispute, have tended to confirm the confidence in his honesty and uprightness that an acquaintance with him from his boyhood has justified me in entertaining."

34 Cong. 3 sess. vol. 8, (ser. 881), *Sen. Ex. Doc. 69*, 6-7.

[79]U.S.D.I., O.I.A., *Letter Book No. 49*, 208.

[80]U.S.D.I., O.I.A., General Files, *California*, B 402/1854.

[81]Beale to Manypenny, December 28, 1853. U.S.D.I., O.I.A., General Files, *California*, B 333/1854.

[82]Henley to McClelland, July 26, 1854, *ibid.*, H 650/1854.

[83]U.S.D.I., O.I.A., *Letter Book No. 49*, 209.

[84]U.S.D.I., O.I.A., General Files, *California*, H 650/1854.

[85]Henley to Manypenny, *ibid.*, H 645/1854.

[86]Same to same, July 15, *ibid.*, H 640/1854. Henley to McClelland, September 25, *ibid.*, H 689/1854.

[87]*Ibid.*, H 689/1854.

[88]10 *U. S. S. L.*, 332.

immediate jurisdiction of a sub-agent. Two hundred thousand dollars were appropriated for the Indian service in California, of which sum "no more than twenty thousand dollars shall be drawn by the superintendent, or be in his hands unexpended at one and the same time," and a sum "not exceeding twenty-five thousand dollars" was to be expended, if necessary, "in the extinguishment of conflicting titles and rights to said reserved lands."

Henley lost no time in becoming acquainted, at first hand, with the Indian population of his superintendency. On July 27 he left San Francisco for the Tejon reserve,[89] and by September 25 he was able to report that he had "traveled several thousand miles—have visited every portion of the State and have seen and learned the condition of all the Indians within the settlements."[90] Henley approved of Beale's policy,[91] and, in the course of his long administration, greatly extended the reservation system.

As we have already seen,[92] Beale established but one reserve, the Tejon, during his administration. The next extension of the system was made in September, 1854, when Henley established the Nome Lackee reservation, a tract of "twenty-five thousand acres of land in the foot hills of the Coast Range, overlooking the Sacramento valley," twenty-five miles from

[89]Henley to Manypenny, July 27, 1854. U.S.D.I., O.I.A., General Files, *California,* H 644/1854.

[90]Henley to McClelland, September 25, *ibid.,* H 689/1854.

[91]Henley to Manypenny, August 28: " . . . The plan of removing them to suitable Reservations, requiring them to labor, and giving them only such articles of food and clothing from time to time as will supply their immediate wants is the only method that can be adopted calculated to do permanent good to the Indians in California."—U.S.D.I., O.I..A, General Files, *California,* H 658/1854.

See also the letter from Henley to E. F. Beale, September 15: "I have entire confidence in the practicability of the plan of subsisting the Indians, in California, on your reservations, by the proceeds of their own labor."—*Ibid.,* B 419/1854.

[92]*Ante,* 53.

Tehama, 268 miles north of San Francisco."[93] H. L. Ford was appointed sub-agent at Nome Lackee, and to him a most detailed set of instructions was issued.[94] Among other things we may note that the sub-agent was to "report to the clerk every evening the work done during the day, who will record it in a book, and report the same to me once a week." Thanks to this record system, we are enabled to form an accurate picture of the daily life on the Indian reservations in California. One man was to be put in charge of the plough teams, with one teamster for every two plows. One man was also placed in charge of the harrows; and one farmer was allowed for sowing the grain. Ford was given power to take on or to discharge employees. The usual instructions in regard to economy were given. Thus Nome Lackee reservation was started. It seems to have been a successful experiment; on December 1, 1854, James Ross Browne wrote to Manypenny:

> I have just returned from the Northern Indian Reservation, Nome Lackee, and take great pleasure in stating that the Indians are doing better than the most sanguine friends of the system could have anticipated.

Browne estimated that there were some 800 Indians at the reservation.[95]

But more reservations were needed. "The reasons in favor of increasing the number of Reserves," wrote Henley to Manypenny, on December 18, 1854, "will be obvious upon a little investigation. The State is nearly one thousand miles in length and from two to three hundred in breadth. The Indians . . . are scattered in small tribes over its entire area. The reluctance of the Indian to remove far from his old home is well known. Whilst he will go willingly to a Reserve within

[93] *Letter on the Condition of the Indian Reservations in California,* from J. Ross Browne. U.S.D.I., O.I.A., General Files, *California,* B 219/1857.

[94] Henley to H. L. Ford, November 30, 1854, *ibid.,* H 766/1855.

[95] *Ibid.,* B 472/1854.

the region whereupon he has hunted and fished, nothing but force can take him beyond that. The expenses, too, of removing the Indians to five instead of three Reservations would be greatly diminished, and the whole work of colonizing the Indians of California would be completed in a much shorter period."[96]

Henley further suggested: that the two existing reservations, Tejon and Nome Lackee, be used to meet the needs of the Indians in the southern part of the state and in the valley of the Sacramento River respectively; that a third reserve be established between the Klamath River and the headwaters of the Russian River for the Coast tribes; a fourth at or near Noble's Pass; a fifth east of the Sierra Nevada Mountains, and beyond the limits of the state, to which all the Indians of California should eventually be removed, "and thus finally rid the state of this class of population." We need hardly add that this last hope has never, even to the present hour, been realized.

The appropriation act of March 3, 1855,[97] provided for the establishment of two more reservations, in addition to the three already provided for by the law of July 31, 1854.[98] One hundred and fifty thousand dollars were appropriated, by the act of March 3, 1855, "for collecting, removing, and subsisting the Indians of California," on the proposed new reserves—which reserves had not as yet been selected. An additional appropriation of $125,000 was made at the same time to cover the expenses of the three reserves provided for by the act of July 31, 1854.

Two new reservations, the Klamath River and the Cape Mendocino, were organized within a little over a year after the passage of the appropriation act of March 3, 1855. We have already noted[99] that as early as December 18, 1854, Henley

[96] *Ibid.*, H 764/1855.
[97] 10 *U. S. S. L.*, 698-699.
[98] 10 *U. S. S. L.*, 332. *Ante*, 56.
[99] *Ante*, 58.

had observed the need for new reservations and had accordingly recommended their establishment. He again suggested the organization of two new reservations in a report dated April 30, 1855; and mentioned at the same time that it was "indispensable" that one of the two reserves should be somewhere in the Klamath country.[100] On June 22 Commissioner Manypenny wrote to Secretary of the Interior McClelland, recommending that the funds appropriated by the act of March 3, 1855, be used for the establishment of two reserves[101]—a recommendation which McClelland passed on to the President on June 25.[102] On August 8 McClelland wrote to Manypenny: "The President has returned the papers with his approval of the recommendation of the Department, and they are, herewith, enclosed for the proper action of the Indian Office in the matter."[103] This action was taken on August 15, when Acting Commissioner C. E. Mix wrote to Henley, authorizing the latter to locate the new reserves in accordance with "the suggestions in your report of the 30th of April."[104] The first of the new reserves to be located and established was that in the Klamath region. The area near the mouth of the Klamath River was highly recommended to Henley by Special Agent S. G. Whipple.[105] So, on October 4, Henley wrote to C. E. Mix:

> It is recommended that the reservation be located on the Klamath River, commencing at the coast of the Pacific Ocean, and enclosing a strip of territory one mile in width, on each side of the river, for a distance of twenty miles.[106]

[100]U.S.D.I., O.I.A., General Files, *California,* H 913/1855.
[101]U.S.D.I., O.I.A., *Report Book No. 8,* 507.
[102]U.S.D.I., *Record of Letters Sent, Indian Affairs, No. 2,* 186.
[103]*Ibid.,* 219.
[104]U.S.D.I., O.I.A., *Letter Book No. 52,* 269.
[105]Whipple to Henley, June 19, 1855. Enclosed in Henley to Mix, October 4. U.S.D.I., O.I.A., General Files, *California,* H 1054/1855.
[106]*Ibid.*

On November 10, Commissioner Manypenny wrote to Secretary McClelland approving the above recommendation,[107] and two days later the latter forwarded the approval to President Pierce.[108] The President gave his formal sanction to Klamath reservation on November 16.[109] Manypenny notified Henley of the presidential approval on November 19, 1855.[110] Thus the Klamath Indian reservation became an actuality.

I have gone into detail in regard to the method by which Klamath reservation was established, even at the risk of boring the reader, because that method may be regarded as fairly typical, and, for our purposes, entirely adequate. The Indian reservation near Cape Mendocino, the last of the California reserves to be organized during the period covered by this thesis, was located by Major H. P. Heintzelman, acting under orders from Henley, dated September 22, 1855. Heintzelman's report recommending the establishment of the Mendocino reservation bears date of November 16, 1855; Henley enclosed this report in his letter of the 17th to Manypenny.[111] The proposed reservation included the land between the Noyo River on the south, Bee-da-loe or Hale Creek on the north, the Pacific Ocean on the west, and the first range of the Coast Mountains on the east. Commissioner Manypenny recommended its organization as a reserve in a letter to McClelland dated April 16, 1856.[112] The reservation was formally approved by President Pierce on May 22, 1856.[113]

Enough has been said of the technical details relative to the establishment of the reservation system in California. Let us

[107]U.S.D.I., O.I.A., *Report Book No. 9,* 63-65. Printed in U.S.D.I., *Executive Orders Relating to Indian Reservations from 1855 to 1912,* 39-41.

[108]*Ibid.,* 41.

[109]*Ibid.*

[110]U.S.D.I., O.I.A., *Letter Book No. 53,* 56.

[111]U.S.D.I., O.I.A., General Files, *California,* H 1100/1855.

[112]U.S.D.I., O.I.A., *Report Book No. 9,* 291-293. Printed in *Executive Orders Relating to Indian Reservations from 1855 to 1912,* 42.

[113]*Ibid.,* 43.

briefly examine the tenor of life on the reserves. The period covered by the superintendency of Thomas J. Henley, from 1854 to 1859, may be taken as typical enough. Excepting a few murders, and the more usual petty thieving, Indian life on the reserves was calm enough. The emphasis placed by both Beale and Henley upon agricultural self-sufficiency as the ultimate objective of reservation life gave to it a not unnoticeable similarity to the self-supporting medieval manor. Thanks to the fact that the sub-agents on the reservations were obliged to keep record of the daily work done, we can easily reconstruct portions of the story of workaday life of the Indians; also of the white employees, blacksmiths, carpenters, and farmers in the service of the Indian Department. Such records as the following, taken from the Tejon reserve near the close of 1854, may be regarded as typical:[114]

Monday, December 11, 1854.

Two blacksmiths at work. Charley with two Indians engaged laying the foundation of the mill. . . . Holten in cook house at large Pudding. . . .

Completed harrowing of the old Barley ground, which is now sprouting. . . . Neal with three harrows and six Indians finished harrowing. Ridley rode around Rancherios & got four squaws to clean Barley. One four horse team sent to mountains for shingles. McKee & Horton with two waggons six mules each started on Friday last 8th inst. for Los Angeles. . . .

Thursday, Dec. 14th. The Blacksmiths at work as usual. Doss with his Carpenters, working on the Shaft of the New Mill. . . . Charley & Dr. Frazer working in race, with about 15 Indians. Tucker grinding at the mill. Brooks & Waggoner sowing Barley. Neal with his four harrows finished the upper fields today. . . . Bob killed a beef this morning.

McKenzie returned this evening with three Deer (176 lbs.). Two waggons gone to Mts. for Shingles & Sheathings for mill.

Sunday, Decr. 17th. 1854.

No work.

[114]Henley to Manypenny, December 26, 1854. U.S.D.I., O.I.A., General Files, *California*, H 774/1855.

And so we could wonder on: through a rambling, discursive, but nevertheless interesting and most instructive series of records—with a literary style, or lack of style, all their own—following day by day and week by week, the lives and the labors, the joys and the sorrows, of the Indians and of their white companions. One cannot but notice the importance of agricultural work in reservation life. Slowly, and not without pain, the ideals of former Superintendent Beale were being worked out.[115] Let us look at one more sample of reservation life, taken, this time, from Mendocino during October and November, 1856.[116]

Wednesday Oct. 1st. White building fence. Hinckley & Cunningham with 10 Indians moving house. Hagenmeyer blacksmithing. . . . Palmer hauling rails with 2 Indians. Warner & 6 Indians plowing. Beall & 2 Indians hunting. Stevens digging post holes. Mrs. Stevens seamstress.

Friday Oct 3d. White & 2 Indians building fence. Hinckley & Cunningham with 9 Indians working on house. . . . Mitchell caught 193 lbs. fish.

Saturday Nov. 1st. Mitchell fishing caught 378 lbs. fish.

Monday Nov. 3d. Hinckley at Carpenter work. Hagenmeyer at blacksmithing. Simpson plowing with 6 Indians. Jackson and Palmer in Red woods with 7 Indians. Mitchell fishing with 4 Indians caught 127 lbs. fish. Cunningham, Stevens & White building Indian houses and clearing land with 27 Indians. Beall hunting with 2 Indians. Warner & 2 Indians hauling timber for Indian houses.

Monday Dec. 8th. Hinckley at Carpenter work. Hagenmeyer blacksmithing. Simpson, Cunningham & Stevens working on road to Bald Hill with 15 Indians. . . . Mitchell & Ray fishing with 4 Indians caught 1356 lbs. fish. White working on Indian houses. Warner hauling timber for dam with two Indians. Beall & Greenwood hunting with 2 Indians. Palmer absent on leave.

[115] *Ante*, 51-55.

[116] D. L. Fonts (clerk to Henley) to Manypenny, February 3, 1857. U.S.D.I., O.I.A., General Files, *California*, H 518/1857.

This report brings out clearly the coöperation between whites and Indians in the common tasks of reservation life. The importance of fishing in a reservation located on the coast need hardly be stated.

We turn now to the unfortunate termination of Henley's superintendency. On May 1, 1857, James Ross Browne was appointed special agent to investigate the condition of Indian affairs in Oregon, Washington, and California.[117] Unable "in consequence of other official duties" to investigate Indian affairs in California for nearly a year after his appointment, Browne finally, on April 2, 1858, left San Francisco by boat for Mendocino.[118] In a letter to the Commissioner of Indian Affairs dated April 19, 1858,[119] he brought to light the tragic condition of affairs on the Mendocino reserve. "I regret to say that my anticipations in regard to the progress of this reservation have not been realized," writes Browne; he then goes on to enumerate conditions that were far from being what they should have been. A large and costly sawmill, the property of one A. McPherson, had been erected on the northern bank of the Noya River, well within the limits of the reservation, on a claim for which Henley had paid $963.11 out of the Indian fund. But this was the least of the evil. The mill had been erected by the coöperative effort of white laborers imported into the reservation, and Indians. The food and clothing, purchased by Colonel Henley and his agents for the use of the reservation Indians had been used largely by the white and Indian laborers engaged in building the mill. Storms during the winter of 1857-58 had prevented the landing of the usual supply ships; so the Indians suffered very keenly. Writing on May 4, 1858, Browne pointed out that "If the weather was bad and provisions were scarce at the reservation in conse-

[117]J. W. Denver to Browne. U.S.D.I., O.I.A., *Letter Book No. 56,* 412-413.

[118]Browne to Comm. Ind. Aff. April 19, 1858. U.S.D.I., O.I.A., General Files, *California,* B 483/1858.

[119]*Ibid.*

quence of the failure of shipments, there was so much the more reason why the supplies on hand should not be loaned for private purposes;"[120] i.e., for consumption by laborers on a private sawmill.

In addition to the mill there was a store, established in March, 1858; the property of one R. R. Dodge, on the reservation. According to G. Canning Smith, the clerk of the reservation, Indian food, employees' rations, and other necessaries, were bought by Henley or his agents in cheap auction stores in San Francisco, and sold in Dodge's store on the reservation at the highest possible retail price.[121] This high retail price was charged against the Indian appropriation fund; the difference between it and the purchase price in San Francisco was evidently pocketed by Henley and his colleagues. Mr. Smith later[122] charged that one Hill, a storekeeper at Big River, paid "large sums" to the work hands on the mill, "which were subsequently covered by vouchers for goods alleged to be furnished to the Indians." And so we could go on with the unsavory story, were any benefit to be obtained by doing so. But enough has been said. Charged with misappropriation of funds, Henley was notified of the appointment of James Y. McDuffie as superintendent of Indian affairs in California on April 4, 1859.[123]

McDuffie's instructions[124] were issued the same day. "You will make it your first duty," wrote Charles E. Mix, "after relieving Col. Henley at San Francisco, to proceed with all practicable expedition to the different reservations for the purpose of taking an Inventory of all public property." McDuffie entered upon the duties of his office on June 7, 1859.[125] A

[120]U.S.D.I., O.I.A., General Files, *California,* B 498/1858.

[121]Letter of April 19, cited, *ante,* 64. B 483/1858.

[122]Letter of May 4. B 498/1858.

[123]U.S.D.I., O.I.A., *Letter Book No. 60,* 405.

[124]*Ibid.,* 403-404.

week later he wrote to Henley, requesting to know the number and names of the reservations and agencies then connected with the California Indian superintendency.[126] Henley's answer, dated June 14, gives an excellent brief statement of the then existing reservations:[127]

> Fresno Reservation—M. B. Lewis sub-agent.
> Attached is King's River farm and Wm. Campbell in charge.
> Mendocino Reservation. H. L. Ford sub-agent.
> Attached is Mentole River farm & J. Bimingham in charge.
> Nome Lackee Reservation. V. E. Geiger, agent.
> Attached is Nome Cult farm, S. P. Storms in charge.
> Tejon Reservation. J. R. Vinyard agent.
> Klamath Reservation. D. E. Buel agent.

By July 19 McDuffie was able to report that he had visited Nome Lackee, Nome Cult, and Mendocino reservations, and was going next to the southern part of the state, then to Klamath; after which he would make a full report on the Indian situation in his superintendency.[128] This first detailed report bore date of September 4, 1859.[129] Some of its more important facts can be summarized in tabular form:

Name of Indian reserve	Ind. population	Number of acres under cultivation
Nome Lackee	600-1,000	800
Nome Cult	Not given	300
Mendocino	500	400-500
Fresno	Reservation of little use, suffering from drought and depopulation.	
King's River	few	200
Tejon	200-600	little
Tule River	300	little

[125]McDuffie to Comm. A. B. Greenwood, September 4, 1859. U.S.D.I., O.I.A., General Files, *California*, M 53½/1859.

[126]*Ibid.*, M 10/1859 "B".

[127]*Ibid.*, M 10/1859 "C".

[128]McDuffie to Greenwood, *ibid.*, M 33/1859.

[129]U.S.D.I., O.I.A., General Files, *California*, M 56/1859.

McDuffie recommended that the Indians from Fresno, King's River, and Tule River be concentrated on a new reservation to be established at Owen's River. This was not done.

The report upon the Klamath reservation, so long delayed, was finally made on September 30, 1859. "I take great pleasure in reporting to the department the prosperous condition of this Reservation," wrote McDuffie.[130] Its Indian population was estimated at 2,000, very largely engaged in farming. But the most important statement in this report was one in which McDuffie upheld the reservation system, when properly carried out: "I look upon the condition of this Reservation, as a convincing proof of the possibility of carrying out the present system of Indian Reservations in this State successfully." Whatever the condition of the Klamath reserve may have been, and whatever McDuffie's views on reservations in general were, he was obliged to abolish the Fresno and King's River Indian farms. In a letter to Commissioner A. B. Greenwood, November 19, 1859, McDuffie said:

> On the 9th inst. I returned from a visit to the Fresno and King's River Indian farms, and have the honor to report that from a careful examination into their condition . . . I was induced to abandon them at once on the part of the Government.[131]

Only fifty Indians lived on the farms; these could be fed more cheaply by purchasing their food than by raising it.

Superintendent McDuffie did not enjoy a long term in office. The Indian appropriation bill of June 19, 1860,[132] provided for the division of California into a northern and a southern district, each to be under a superintending-agent at a salary of $3,600 per year. As "all acts, or parts of acts, in conflict with this provision be, and are hereby, repealed," the old California Indian superintendency was no more.

[130]McDuffie to Greenwood, September 30. *Ibid.*, M 93/1859.

[131]U.S.D.I., O.I.A., General Files, *California,* M 125/1859.

[132]12 *U. S. S. L.,* 57.

John A. Dreibelbis was appointed superintending-agent for the Northern Indian District, and was notified of his appointment by Commissioner Greenwood in a letter dated July 30, 1860.[133] The next day Greenwood notified former Superintendent McDuffie of his appointment as superintending-agent for the Southern District.[134]

With the abolition of the old superintendency and the reorganization of California into two Indian districts in 1860, our story of Indian policy in that state comes to its logical close. A few remarks in summary will suffice. At a time when Oregon, Washington, Utah, and the region of the Great Plains resounded with the din of tragic Indian wars, California was blessed with relative peace. I say relative, because, as we have already noted, there were some local disturbances, some murders, and more thieving; but nothing on the grand scale of the Rogue River War in Oregon. The most important contribution of California to the general Indian policy was undoubtedly the reservation system as founded by Beale and extended by Henley. However unfortunate, or even tragic, were some conditions on the reservations, however much local opposition they may have excited at times, the reservation system has survived to become one of the basic tenets of our modern Indian policy.

[133]U.S.D.I., O.I.A., *Letter Book No. 64,* 143-144.
[134]*Ibid.,* 150-151.

IV

INDIAN AFFAIRS IN OREGON AND WASHINGTON 1849-1860

I

WAR AND PEACE IN OREGON, 1849-1855

THE vast region known as the "Oregon Country"[1]—which, from 1846 to 1853 included the present states of Oregon, Washington, and Idaho—was, during the years under consideration, the home of many small tribes of Indians.[2] The influence of these Indians upon the course of Oregon history was great. In no other part of the United States was the conflict between red man and white pursued with more persistence or more bitterness than along the lonely rivers, in the mountain defiles, and amid the dense forests of the Pacific Northwest. Explorers, trappers, traders, and missionaries were rapidly followed by home-seekers; Lewis and Clark, John McLoughlin, the Rev. Jason Lee, Dr. Marcus Whitman, and Father De Smet, all of whose names and deeds are indissolubly associated with the early history of Oregon, were but the predecessors of the hardy frontiersmen who, especially after 1842, came each year in larger numbers and made the valleys of the Willamette and the Coquille, the Columbia and Puget Sound their own.

[1]The country conveyed by England under the treaty of 1846 included 288,689 square miles. See J. W. Foster, *A Century of American Diplomacy,* 410.

[2]There were about sixty different tribes and bands of Indians in the Pacific Northwest in 1849. Joseph Lane, writing to the Sec. of War, October 13, 1849, gave their total number as 24,433. See 31 Cong. 2 sess. vol. 1, (ser. 595), *H. Ex. Doc. 1,* 158-164.

In 1842 Dr. Elijah White was appointed Indian sub-agent for Oregon,[3] in spite of the fact that Oregon was still under the joint-occupation agreement with England. He remained in Oregon until the autumn of 1845. Whatever else may be said of him, there can be no doubt that twice, in December 1842 and in the spring of 1843, he did much to prevent an outbreak on the part of the Cayuse and the Nez Percé Indians.[4] He quarreled, however, with the missionaries—especially with the Lees—and thereby made political enemies. When he was sent to Washington in 1845 by the legislative assembly of the provisional government, as the bearer of a memorial to the United States government, his political enemies took advantage of his absence from Oregon to make representations which cost him his position, and brought to an end his official connection with Oregon affairs.[5] No other official was appointed by the United States government to attend to Indian affairs in Oregon until its organization as a territory and the appointment of Joseph Lane as territorial governor and ex-officio superintendent of Indian affairs in August, 1848.

Moreover the Indian situation in Oregon had become very critical long before Lane reached there in March, 1849. Nor was this to be wondered at. The Intercourse Law of 1834 had not as yet been extended to the Oregon Country; nor had any treaties as yet been made between the United States and the various Indian tribes in Oregon. Every year the Indians saw with alarm the increasing tide of white immigration and settlement. If these actual facts were sufficient to render the Indians restive, certain rumors were even more alarming. Many Indians feared that the whites desired their utter extermination. Among the Cayuses this fear took the more specific

[3]The appointment was dated January 27, 1842. U.S.D.I., O.I.A., *Letter Book No. 31,* 405.

[4]White to Hartley Crawford, April 1, 1843, in 28 Cong. 1 sess. vol. 1, (ser. 439), *H. Ex. Doc. 2,* 450-462. White to Sec. of War J. M. Porter, November 15, 1843, in 28 Cong. 2 sess. vol. 1, (ser. 463), *H. Ex. Doc. 2,* 489-495.

[5]H. H. Bancroft, *History of Oregon,* I, 290.

form that the missionaries, while pretending to treat the sick, were actually poisoning them, and intended by that means to dispose of the entire tribe. Thus it was that the mission station of Dr. and Mrs. Marcus Whitman, at Waiilatpu, became the scene of one of the most tragic massacres in the annals of the west. Paying all too little heed to the increasingly dark rumors, and the even more insolent manners of the Cayuses, Dr. Whitman went about his work as doctor and missionary, until, on November 29, 1847, the Indians massacred him, his wife, and most of the whites at Waiilatpu, "a tragedy that closed eastern Oregon to the whites for a period of twelve years."[6] The attempt of the provisional government, under Governor George Abernethy, to secure the Indians responsible for the Whitman massacre led to the Cayuse War in 1848; a war which showed that the volunteers were able to endure a winter campaign in the mountains, but which failed to bring the murderers to account before the law. The war no doubt further embittered feelings already far from friendly.[7]

Thus the Whitman massacre and the Cayuse War, as well as the more peaceful contacts with the majority of the Oregon tribes, form the background for the administration of the first territorial governor, Joseph Lane. The Oregon Territorial Act[8] was signed by President Polk on August 14, 1848. On the 18th, Lane, a native of North Carolina who had long resided in Indiana, was appointed to the territorial governorship, which carried with it the ex-officio superintendency of Indian affairs. For the latter Lane received $1,500 per year over and above governor's pay. He arrived in Oregon City on March 2, 1849, and assumed his duties the following day.[9] His administration, which extended until May, 1850, was marked by no serious Indian troubles. This was most fortu-

[6]W. J. Ghent, *The Road to Oregon,* 47. Detailed account of the Whitman massacre in Bancroft, *op. cit.,* I, 639-668.

[7]For account of Cayuse War see Bancroft, *op. cit.,* I, 700-754.

[8]9 *U. S. S. L.,* 323.

[9]Bancroft, *op. cit.,* I, 780.

nate, because until the arrival of Major Hathaway in May, 1849, the military force at Lane's command consisted of Lieutenant G. W. Hawkins and some eight men who had failed to leave their posts because of the possibility of obtaining greater profits in the California gold fields.[10]

In April 1849, Lane went to the Dalles of the Columbia, and visited the De Chutes, Yacamaws, and Walla Wallas; at the same time making peace between the two last-named tribes. About $200 worth of presents were given to the Indians. Lane also visited the tribes along the north side of the Columbia River. But while the Indians at the Dalles and along the Columbia professed friendship, the Snoqualimich and Skeywhamish Indians in the Puget Sound region, at Fort Nisqually, killed Leander C. Wallace, wounded two others, and threatened to destroy all the settlements in that neighborhood. News of these difficulties reached Lane early in May, soon after his return from the Columbia Valley. He promptly set out for the Sound, accompanied by Lieutenant G. W. Hawkins and five men, taking with him "muskets and ammunition to place in the hands of the settlers" so as to put them "in the best possible condition to resist an attack, there being only ten families in that section of the country."[11] But Governor Lane did not reach the Sound, nor visit Fort Nisqually at this time. He was overtaken at Tumwater by an express from Fort Vancouver, informing him of the arrival, on May 7, of the *Massachusetts* from Boston, having on board two companies of artillery under Major Hathaway. Writing to William F. Solmie, the Hudson's Bay Company's factor at Nisqually, May 17, 1849, Lane said:

It was my intention to visit you at the fort, but owing to this fact (i.e., the arrival of the *Massachusetts*) I have deemed it

[10]Lane to Sec. of War, October 13, 1849. 31 Cong. 2 sess. vol. 1, (ser. 595), *H. Ex. Doc. 1,* 156.

[11]The general account of the difficulties at Fort Nisqually is based on the letter of Lane to the Sec. of War, October 13, 1849. 31 Cong. 2 sess. vol. 1, (ser. 595), *H. Ex. Doc. 1,* 156-157.

necessary to return without delay. I have, therefore, to make the particular request of you not to furnish the Indians with ammunition, and to ask of you the favor to cause the hostile tribes who have committed the outrage to be informed that any repetition of the like conduct will be visited promptly with their complete destruction.[12]

Lane arrived at Fort Vancouver about the middle of June. There he met Major Hathaway, with his two companies, numbering in all 161 men, rank and file. It was agreed that one of these companies—that of Captain B. H. Hill—should establish a post near Nisqually. This was done late in July. In the meantime the Indian disturbances had died down.

But the end of the affair had not yet arrived. Lewis county was attached to the first judicial district of the Territory of Oregon, and the legislative assembly appointed the first Monday in October, at Steilacoom, as the time and place of holding the district court of the United States. Captain Hill delivered to the marshal of the territory six Indians of the Snoqualimich tribe, who had been given up by that tribe as the murderers of Wallace. These six Indians were tried for murder before Chief Justice William P. Bryant. Two of them were found guilty and executed; the other four were declared not guilty by the jury.[13] Thus ended, for the time being, the Indian troubles at Nisqually.

We now turn to the second subject of importance connected with Lane's administration. The reader will recall that Lane, while en route to Nisqually, was recalled to Fort Vancouver by the arrival of Major Hathaway. From Vancouver Lane proceeded to Oregon City, where he found instructions—dated August 31, 1848—awaiting him, also information of the appointment of J. Quinn Thornton, George C. Preston, and Robert Newell, of Oregon, as Indian sub-

[12]*Loc. cit.*, 157.

[13]Wm. P. Bryant to Lane, October 10, 1849. 31 Cong. 2 sess. vol. 1, (ser. 595), *H. Ex. Doc. 1,* 166.

agents.[14] The instructions[15] were of the usual type, requiring Lane to gather information as to the number and names of the various tribes of Indians in Oregon; their character and disposition; their relations with one another, with the settlers, and with the Hudson's Bay Company; the number of agents and sub-agents necessary for the proper management of Indian affairs in Oregon, and the estimated cost per year of maintaining the agencies, contingent expenses, and supplying the Indians with provisions and presents.

Of the sub-agents, Preston was not in Oregon at the time, so Lane divided the territory into two districts, assigning the region north of the Columbia River to Thornton, and the region south thereof to Newell. Thornton went to Nisqually at the end of July, and remained there long enough to gather much of the statistical information used by Lane in his report of October 13 to the Secretary of War. While at Nisqually Thornton also offered a reward for the capture of the murderers of Wallace, which, amounting to "nearly five hundred dollars," was considered by Lane not only as too large, but as an unwarrantable assumption of authority on the part of the sub-agent. The result was Thornton's resignation. Shortly after this Newell left for the gold fields, and Lane was once more left alone in the management of Indian affairs in the Pacific Northwest.[16]

The last important event during Lane's administration was the surrender, trial, and execution of five of the Cayuse Indians responsible for the Whitman massacre. The Cayuse War, though prosecuted with the design of capturing these murderers, failed of its purpose. However, as the whites had not given up the idea of capturing them, the Cayuses lived in never-ending fear of another war. In order to avert war and

[14]Wm. Medill to Lane, August 31, 1848. U.S.D.I., O.I.A., *Letter Book No. 41*, 207.

[15]*Ibid.*, 207-209.

[16]H. H. Bancroft, *History of Oregon*, II, 70-71.

avoid capture they found it necessary to wander from place to place. Finally, in the spring of 1850, the negotiations which had been in progress ever since the beginning of Lane's administration bore fruit: the Cayuse tribe offered to surrender such of the Whitman murderers as were yet alive. Governor Lane, Lieutenant Addison, and ten men went to the Dalles, where five of the murderers were duly surrendered by their tribe. The trial occurred on May 22, 1850, under Judge Pratt. The prosecution was conducted by Amory Holbrook, the district attorney; the defence by Knitzing Prichett, the secretary of the territory, R. B. Reynolds, of Tennessee, paymaster of the rifle regiment, and Captain Claiborne. The Indians were found guilty, and sentenced to execution on June 3. A new trial was asked for and denied. The Indians were duly executed, the whites rejoiced; and it seems not unlikely that even the Cayuses breathed more freely.[17]

Lane's administration may be said to come to an end with the execution of the Cayuses responsible for the Whitman massacre. Lane had been a popular governor, and, being a Democrat, had the political sympathies of the majority of Oregonians.[18] Polk's administration, to which he owed his appointment, gave place, March 4, 1849, to the Whig administration of Taylor. In May, 1850, the Whig, John P. Gaines, was appointed to the territorial governorship of Oregon. He arrived there about the middle of August.

In the meantime, in 1849, the Oregon Democrats elected Samuel R. Thurston to be the first territorial delegate in Congress.[19] Among other things, Thurston was interested in

[17]Bancroft, *op. cit.*, II, 94-100.

[18]It may not be out of place to note that Lane was important enough to be nominated for the vice-presidency by the Breckinridge Democrats in 1860. J. B. McMaster, *A History of the People of the U. S.*, VIII, 458.

[19]Thurston was elected on 470 votes out of a total of 943 votes cast. The remaining 473 votes were divided: 321 of them were for C. Lancaster and 106 for J. W. Nesmith, the latter a Whig. See Bancroft, *History of Oregon*, II, 114, *note 22.*

Oregon Indian affairs. On February 1, 1850, the House adopted his resolutions "looking to the extinguishment of the Indian title to all that part of Oregon Territory lying west of the summit of the Cascade Mountains; for the removal of the Indians now inhabiting that section of the Territory to some point east of those mountains, and for creating the officers requisite to attend properly to Indian matters in that country."[20] These various points received attention in the act of June 5, 1850.[21] This act provided: (1) For the appointment of one or more commissioners to negotiate with the Indian tribes of Oregon Territory, with a view to the extinguishment of their claim to the land lying west of the Cascade Mountains; and their removal east of said mountains. (2) For the appointment of an independent superintendent of Indian affairs for the Territory of Oregon at a salary of $2,500 per year. (3) That the duties of the governor of Oregon Territory as ex-officio superintendent of Indian affairs should cease. (4) The President was authorized to appoint from one to three agents, at a salary of $1,500 per year each, for Oregon Territory. (5) The Indian Intercourse Act of 1834 was extended over the Oregon Indians. (6) $25,000 was appropriated to carry into effect the foregoing provisions.

In pursuance of the provisions of the above law Anson Dart, of Wisconsin, was appointed superintendent of Indian affairs for Oregon. His instructions, from Commissioner Luke Lea, bear date of July 20, 1850.[22] At the same time two Indian agents were appointed: Anson G. Henry[23] of Illinois, and Rev. Henry Harmon Spalding.[24] On October 12 Elias Wampole was appointed to fill the third agency provided for by the law of 1850.[25] Of the three agents Spalding undoubt-

[20] *Congressional Globe,* 31 Cong. 1 sess., 272.

[21] 9 *U. S. S. L.,* 437.

[22] 31 Cong. 2 sess. vol. 1, (ser. 595), *H. Ex. Doc. 1,* 148-151.

[23] Lea to Henry, July 19. U.S.D.I., O.I.A., *Letter Book No. 43,* 298.

[24] *Ibid.*

[25] A. S. Loughery to Wampole, October 12. *Ibid.,* 440.

edly had had the most experience; he was the only one of the three to play an even slightly significant part in the management of Indian affairs.

In further pursuance of the law of June 5, three commissioners were appointed, October 25, 1850, "to negotiate treaties with the several Indian tribes in the Territory of Oregon for the extinguishment of their claims to lands lying west of the Cascade mountains."[26] Thus, after having been neglected for several years, the Indian situation in Oregon received due congressional attention. We shall first take up in some detail the work of the commissioners, after which we shall turn our attention to Anson Dart.

The commissioners appointed to treat with the Indians were John P. Gaines, the governor of the territory, Alonzo A. Skinner, and Beverly S. Allen. We have already noted the basic purpose for which the commission was organized; let us now examine the instructions given to the commissioners by A. S. Loughery, then acting commissioner of Indian affairs.[27] The commissioners were to be paid $8 per day "for every day you may be necessarily engaged in the performance of the duty assigned you," which, it is almost needless to point out, the commissioners would interpret as "every day." In regard to the Indians, the purpose of the government was twofold: (1) To extinguish the title of the Indians to all lands lying west of the Cascades, in order that the inhabitants of that region might perfect their title to the land that they occupied. (2) If possible to provide for the removal of all Indians living west of the Cascades to the east thereof. The commissioners were reminded that the maximum price so far paid by the government for Indian land had been ten cents per acre; but "in any purchases to be made by you . . . it is supposed a very small portion of that price will be required."

[26]31 Cong. 2 sess. vol. 1, (ser. 595), *H. Ex. Doc. 1,* 145.

[27]Instructions to commissioners printed in full in 31 Cong. 2 sess. vol. 1, (ser. 595), *H. Ex. Doc. 1,* 145-147. See also U.S.D.I., O.I.A., *Letter Book No. 43,* 482-485.

In estimating the value of the lands ceded, you will fix on a gross amount in money, to be paid for it, on which an annuity of a sum not exceeding five per cent. will be paid; and it is extremely desirable that the whole annuity be absorbed, by treaty stipulation, in objects beneficial to the Indians, and that no part of it shall be paid to them in money. The objects provided for should be agricultural assistance, employment of blacksmiths and mechanics, farmers to teach them how to cultivate the land, physicians, and, above all, ample provision for purposes of education. After providing for these objects, if any portion of the money remains, it should be stipulated to be paid in goods, to be delivered to them annually in their own country.

It was finally provided that the commissioners might, if necessary, make treaties with the Indians living east of the Cascade Mountains, in order to provide for the Indians removed from the west thereof. Twenty thousand dollars were provided for the work of the commission; fifteen thousand thereof to be placed at the command of Governor Gaines at the sub-treasury in San Francisco; five thousand to be invested in Indian goods and sent around Cape Horn.

The commissioners entered upon their duties in February, 1851. Almost immediately they were brought face to face with the virtual impossibility of carrying out their instructions. Writing to Luke Lea on February 8, the commissioners pointed out:

. . . that it will be impossible to remove the Indians of Willamette and lower Columbia valleys, without a resort to force, nor do we think it very desirable to do so. As before stated they are friendly and well disposed, they live almost entirely by fishing, and the wages they receive from the whites for their labor. They possess little or no skill as hunters or warriors. And to remove them from their fisheries and means of procuring labor from the whites would in our opinion insure their annihilation in a short time either from want or by the hands of their more warlike neighbors. General satisfaction we believe would be felt by the

Indians and the citizens to allow them small reservations of a few sections and a portion of their fishing grounds.[28]

The policy here indicated was followed by the commissioners. On April 16, 1851, two treaties were made: one with the Santiam band of the Calapooya tribe; the other with the Tualatin band of the same tribe. By the former treaty the Indians ceded to the United States "a portion of the Willamette valley, about eighty miles in length and about twenty in width." By the latter treaty "a country about fifty miles in length and about thirty miles in width" was ceded. Though the Indians thus ceded some of "the most valuable [land] in the Willamette valley," it proved impossible as the commissioners had forseen, to induce them to move east of the Cascades. These small tribes had a deep attachment to the land of their ancestors, coupled with an equally profound ignorance of how to obtain a livelihood anywhere else, and a fear of the more powerful tribes among whom they would be thrown. Fortunately for them, the commissioners carried out the humane policy which they had outlined in their letter of February 8, and so reserves were provided for them "at the base of the mountains, one on the east and the other on the west side of the Willamette valley . . . well suited to the purposes to which the Indians wish to apply them." Both of these bands of Indians refused to allow any of the purchase money for their lands to be expended for educational purposes; and only the Tualatin band agreed that a small portion of their money might be expended upon farming implements. A fairly large portion of their annuities were to be paid in clothing.[29]

In May the commissioners made four more treaties: Two with the Yamhill and Luckamiute bands of the Calapooyas; one each with the Upper and Lower Molallas. We need not

[28]Commissioners to Luke Lea, Oregon City, February 8, 1851. U.S.D.I., O.I.A., General Files, *Oregon,* G 211/1851.

[29]Commissioners to Luke Lea, Champoeg, April 19, 1851. U.S.D.I., O.I.A., General Files, *Oregon,* G 217/1851.

go over these treaties in detail. They were much the same as the treaties of April, and the same type of difficulties arose in connection with their negotiation. The Indians refused to move east of the Cascades. "We have therefore found ourselves compelled, against the wish of the government, as expressed in our instructions, to accede to reservations in the lands purchased," wrote the commissioners to Lea, May 14, 1851.[30] "That these reservations will cause any considerable annoyance to the whites, we do not believe; they consist for the most part of ground unfitted for cultivation, but suited to the peculiar habits of the Indians." This was, of course, making a virtue of necessity. The fact was that the commissioners—thanks to the Oregon donation law of September 27, 1850[31]—could not grant any land for Indian reservations "except of ground entirely clear [of the claims of settlers], or with a saving of claims heretofore made."[32] Fortunately it proved possible to find sufficient unclaimed land for reservations within the old habitats of the different bands of Indians treated with, except in the case of the Yamhill band of the Calapooyas. This band lived on the south fork of the Calapooya River—a tributary of the Willamette—in a region thickly covered with squatters' claims. Like the other bands of Indians treated with, the Yamhills refused to move east of the Cascades; but the commissioners induced them to agree to move to "a small isolated valley among the Coast Mountains, offering pasturage for their horses and roots for themselves." While the Indians refused to devote any of their annuities to education, the four treaties negotiated during May, 1851, provided for the purchase of agricultural implements and various kinds of Indian goods. To lay such emphasis upon the provision for agricultural implements to be given to Indians who, by the very words of the commissioners, lived upon land "unfitted

[30]U.S.D.I., O.I.A., General Files, *Oregon,* G 227/1851.

[31]9 *U. S. S. L.,* 496.

[32]U.S.D.I., O.I.A., General Files, *Oregon,* G 227/1851.

for cultivation," must, I suppose, be regarded as one of those anomalies characteristic of the Indian service; a pious hope, so to say, certainly less likely to be realized by the fisher-folk of the Pacific Northwest coast than by the Indians of California or Texas.

With the negotiation of these six treaties—two in April and four in May—the work of the commission was drawn to a close. An act of Congress approved on February 27, 1851,[33] abrogated the offices of the commissioners. They were notified of this in a letter from Luke Lea, dated April 12, 1851.[34] The work of the commissioners being finished, the burden of managing Oregon Indian affairs fell upon Anson Dart, the superintendent. Before proceeding with our study of Mr. Dart, I would call attention to the analogy between the work of Gaines, Skinner, and Allen in Oregon and that of Barbour, Wozencraft, and McKee in California.[35] Both groups of men constituted special commissions for the negotiation of Indian treaties. The California commissioners negotiated eighteen as against six for the Oregon commissioners; both sets of treaties provided for reservations; and both failed of ratification. While the texts of every one of the eighteen California treaties are available, it is unfortunate that none of the Oregon texts, so far as I know, are extant. What we know of them must be reconstructed from the letters and reports of the three commissioners.

We have already noted that Anson Dart was appointed superintendent of Indian affairs in Oregon in pursuance of the law of June 5, 1850. His instructions,[36] dated july 20, emphasized several points. (1) The Indian Office knew very little about conditions in Oregon, so it directed Dart to fur-

[33]9 *U. S. S. L.*, 586, *sec.* 3.

[34]U.S.D.I., O.I.A., *Letter Book No. 44,* 302. See also Lea to Anson Dart, in *ibid.,* 302-303.

[35]*Ante,* 40-47.

[36]31 Cong. 2 sess. vol. 1, (ser. 595), *H. Ex. Doc. 1,* 148-151. See also, U.S.D.I., O.I.A., *Letter Book No. 43,* 302-307.

nish it with general and statistical information upon the Oregon Indians. (2) The whiskey traffic was to be stopped. (3) It was believed that most of the goods distributed to the Indians in the Oregon Country were bought from the Hudson's Bay Company. Dart was directed to make his purchases from Americans, and to "embrace every opportunity to impress on the Indians that it is the American government, and not the British, that confers upon them these benefits." The quietus was to be put upon the Hudson's Bay Company. "Under no circumstances should the company be permitted to have trading establishments within the limits of our territory; and if any such establishments now exist, they should be promptly proceeded with in accordance with the requirements of the intercourse law." (4) Differences among the Indians themselves were to be reconciled. (5) "Great efforts should also be made among the Indians to induce them to engage in agricultural pursuits." (6) Indian agents in Oregon were to give "equal aid, countenance, and encouragement" to missionaries without regard to faith. Twenty thousand dollars, eight thousand of which were for presents, provisions, contingent expenses, and rent, and five thousand of which were for buildings for the superintendent and three agents; $2,500 more for the salary of the superintendent, and $1,500 per year for the salary of each of the three agents, were appropriated for the first year. Before we take up Dart's treaty-making activities, let us note his reaction to certain of the above instructions.

In a letter to Luke Lea—undated, but evidently written just before or on October 3, 1851[37]—Dart stated that "notwithstanding there is a great deal of liquor sold in some localities, I believe the Indians of Oregon, taken as a whole body, consume less liquor in proportion to their numbers than any others in the United States." As for taking any drastic steps against the Hudson's Bay Company—Dart recognized the unwisdom of so antagonizing a powerful company that had on many

[37]32 Cong. 1 sess. vol. 2, pt. 3, (ser. 636), *H. Ex. Doc. 2,* 473-474.

occasions been friendly to American settlers. Then too, the third article of the Oregon Treaty of 1846 provided that the possessory rights of the Hudson's Bay Company should be respected.[38] So, in that same letter from which we have already quoted, Dart suggested that the United States purchase the possessory rights of the company instead of proceeding against it "in accordance with the requirements of the intercourse law." And so nothing was done, at that time, to oust the Hudson's Bay Company from its dozen posts in the Oregon Country.

On May 30, 1851, Dart set out for eastern Oregon. He held a council with the Cayuse Indians at Waiilatpu on June 20, and met the Nez Percés at Lapwai on the 27th. The Indians at both places were friendly.[39] Dart returned to Oregon City on July 13th, and very soon thereafter went to visit the tribes in the vicinity of the mouth of the Columbia River, in company with Agent H. H. Spalding and Sub-Agent J. L. Parrish. Writing to Commissioner Lea from Oregon City on August 15, Dart said:

> We succeeded in negotiating Treaties with ten tribes or bands . . . of Indians. In these Treaties there is ceded to the United States all the country from the north side of Shoalwater Bay [some twenty to thirty miles north of the mouth of the Columbia River] extending south on the Pacific Coast more than one hundred miles, and extending over sixty miles up the Columbia on both sides: embracing a tract of more than three million acres.[40]

All of which was to cost $91,300, payable at the rate of $8,980 per year for ten years, and $300 per year for five years. Of the total, $14,750 were to be paid in money; the remainder in clothing, provisions, and cooking utensils. Let us notice in more detail some of these ten treaties.

[38]Wm. M. Malloy, ed., *Treaties and Conventions,* I, 657.
[39]32 Cong. 1 sess. vol. 2, pt. 3, (ser. 636), *H. Ex. Doc. 2,* 479-482.
[40]U.S.D.I., O.I.A., General Files, *Oregon,* D 677/1851.

To begin with, they were all made with different bands of the Chinook tribe. The Clatsops were the first treated with. They "interposed many objections to parting with their country upon any terms: they made long and loud complaints at the injustice done them by the Government; who they said had taken possession of their lands without paying them, had allowed the white people—many years since—to occupy and buy and sell their country for which they had received no equivalent."[41] This graphic account is the sad refrain to the swan-song of many of the small bands of docile—all too docile for their own good!—Indians of the Pacific Northwest. To wait for the Indian title to land to be settled does not seem to have been among the virtues of the frontiersmen. In any event, the Clatsops were finally induced to cede their lands except "one small tract of land, containing four or five sq. miles, at Point Adams."[42]

The utterly deplorable condition to which some of these Pacific Coast bands were reduced is brought out more clearly in the treaty of August 9, 1851,[43] with the Wheelappa band of the Chinooks. There were but two male survivors of this band—both of whom signed the treaty—and but few women and children. Yet the tract of country purchased from this tiny band was twenty by forty miles in extent! The land thus to be ceded lay upon Shoalwater Bay. The cession made in Article 1 was conditioned by Article 2 of the treaty:

> The above cession is made with the express understanding that the land shall be reserved for the exclusive use of the Chinook Tribes or Bands and the Chehalis Tribe of Indians, provided the majority of them shall consent to give up their reserved rights to the lands they now occupy, and remove to the lands ceded in Article 1st of this treaty.

[41]Dart to Lea, November 7, 1851. U.S.D.I., O.I.A., General Files, *Oregon,* D 3/1852 "A".

[42]Dart to Lea, August 15, 1851. *Ibid.,* D 677/1851.

[43]The text of this treaty is preserved in the files of the O.I.A., General Files, *Oregon,* D 3/1852 "B".

If the Indians concerned removed to the Shoalwater Bay reservation within a year from the date of this treaty, they were to be provided with an agency, blacksmith shop, manual labor school, and farming establishment (Art. 3). If they did not so move, the Shoalwater Bay lands were to be thrown open to settlement at the end of the year. The policy of the government is perfectly obvious. It would be more economical to combine a number of small tribes on one reservation than to have them on separate reserves. The sole survivor of the Quillequeoqua band was included in the Wheelappa treaty (Art. 6). The treaty provided (Art. 4) for a five-hundred-dollar annuity each year for ten years, $150 of which was to be in money, the remainder in provisions, clothing, and agricultural implements.

A treaty with the Cathlamet band of Chinooks provided for the cession of a twenty-by-forty-mile tract on the south side of the Columbia at its mouth, reserving for the Indians Woody and Cathlamet Islands in the Columbia.[44]

Having made the ten Chinook treaties, Dart returned to Oregon City. Accompanied by Agent Spalding and Sub-Agent Parrish, he left Portland for Port Orford on board the steamer *Seagull,* on September 12, 1851, and arrived at Port Orford on the 14th.[45] Here two treaties were negotiated with the Indians living between the Coquille River and the southern boundary of Oregon, according to the terms of which a cession eighty by fifty miles in extent was to be obtained. This purchase was to cost $28,500, which was to be paid in ten equal annual payments, no part of which was to be in money.[46]

Lastly, Dart made a treaty with the Clackamas tribe, by which some very valuable land was ceded—including that upon

[44]U.S.D.I., O.I.A., General Files, *Oregon,* D 3/1852 "A".

[45]Bancroft, *op. cit.,* II, 233.

[46]Dart to Lea, October 3, 1851. U.S.D.I., O.I.A., General Files, *Oregon,* D 718/1851.

which Milwaukee and Oregon City were built. Dart was obliged to negotiate this treaty alone, because H. H. Spalding had been removed, and his successor, E. A. Starling, had not been empowered to act with Dart in the negotiation of treaties. Beverly S. Allen, who, it will be recalled, had been one of the commissioners in 1851, declined the position of agent, and A. A. Skinner, another of the former commissioners, accepted it too late in the year to be of any use at this particular time.[47]

Thus during the summer and fall of 1851 Dart negotiated thirteen Indian treaties, under the terms of which more than six million acres of land were to be ceded to the United States.[48] In November he left Oregon, for Washington, there to urge upon Congress the ratification of his treaties. In this he failed. Not one of the treaties was ratified. He returned to Oregon, and for another year and a half attempted to control the destinies of Indian affairs in that region.

We must now turn from our story of the thirteen ill-fated treaties to take up another story—all too frequent in the early history of the Oregon Country—a story of Indian war. The increasing importance of the California gold fields led as a matter of course to an increasing use of the trails between Oregon and California. This led to more frequent contacts between miners and traders and the various Indian tribes of the Pacific littoral. There was a fairly steady demand for horses at the mines, a demand met to a certain extent by the various tribes of Indians along the Oregon-California trail, who carried on a brisk horse-trading business. Some of the horses which they sold were doubtless stolen from the settlers. Then too, in the increasing number of miners and traders the Indians could foresee settlers who would one day dispossess them of their hunting grounds. In any event, the Indians living near the ferry of the Rogue River began a systematic course of plundering in the spring of 1850.

[47]Bancroft, *op. cit.*, II, 217-218. Dart to Lea, November 7, 1851. U.S.D.I., O.I.A., General Files, *Oregon,* D 3/1852 "A".

[48]Dart to Lea, *loc. cit.*

It will be recalled that in May of that year Joseph Lane's governorship came to an end. Taking with him fifteen white men and an equal number of Clickitat Indians, Lane left the settlements about the end of May, determined to settle accounts with the Rogue Rivers. He met these Indians near the river crossing about the middle of June, and, after a rather hostile conference, made a treaty of peace and friendship. We shall allow Lane to tell the interesting conclusion of this story, as he tells it in his *Autobiography*:

[The head chief of the Rogue Rivers] asked the interpreter the name of the white chief, and requested me to come to him as he wanted to talk. As I walked up to him he said, "Mika name Jo Lane?" I said, "Nawitka," which is "Yes." He said, "I want you to give me your name, for," said he, "I have seen no man like you." I told the interpreter to say to him that I would give him half my name, but not all; that he should be called Jo. He was much pleased, and to the day of his death was known as Jo. At his request I named his wife, calling her Sally. They had a son and daughter, a lad of fourteen, the girl being about sixteen. She was quite a young queen in her manner and bearing, and for an Indian quite pretty. I named the boy Ben, and the girl Mary.[49]

If only all Indian difficulties had ended thus! There seems to be no doubt that Lane had a great personal influence over the Indians; a fact that no doubt helped to maintain the peace for about a year after the above treaty was concluded.

Late in the season of 1850 gold had been discovered in the valley of the Klamath River, and early the following spring a fair number of people were moving over the trails to the mines. A part of the Rogue River Indians—Chief Jo's tribe—became very restive, as did the Indians in the neighborhood of the Umpqua Valley. News of trouble with the Rogue River Indians must have reached Governor Gaines early in June, 1851. A letter from one John Thorp, dated June 5, enclosed a petition signed by twenty-five citizens, which stated:

[49]Lane's "Autobiography," MS. 96-98: quoted in Bancroft, *op. cit.*, II, *222, note 29.*

. . . that the Indians on the road through the Rogue River Country are at this time very hostile, having recently committed several murders and robberies on the citizens of Oregon, passing to and from the mines.

We the undersigned, respectfully represent, that we deem it highly important that some military force, should be kept in the Country, in order to protect those that are passing through.

And the petitioners requested that Captain Long be appointed to command "such number of men as he may think sufficient" in the Rogue River Valley.[50] Corroborative evidence as to Indian hostilities soon came from another source. Joseph Lane, the ex-governor, wrote to Gaines on June 13, from Nesmith's Mills:

I have met here a number of persons just in from the mines, all of whom concur in saying that the Rogue River Indians have commenced war upon our people, that they have in open daylight attacked several parties, one of them thirty-five strong and handled them roughly for four hours, and succeeded in carrying off considerable property. One other smaller party was attacked the next morning and robbed of their all, and that the Indians are collecting and organizing their forces for the purpose of prosecuting a destructive war upon all persons who may travel in the direction of the mines.[51]

Upon receiving intelligence of the Indian outbreak, Gaines had sent a messenger to Fort Vancouver to request aid of Lieutenant Talbot and Captain Ingalls, "but although both these officers manifested every disposition to assist me, they were not able to leave their posts, or possessed of men or animals which could be placed at my disposition."[52] Therefore Gaines wrote to President Fillmore, June 13, 1851, requesting

[50]U.S.D.I., O.I.A., General Files, *Oregon,* W 664/1851.

[51]U.S.D.W., A.G.O., *Old Files Section,* 172 G/1851, enclosure 1.

[52]Gaines to Fillmore, June 13, 1851. *Ibid.,* enclosure 2.

more troops,[53] a request that was refused.[54] Aid came from another quarter. Major Philip Kearney, who had left Vancouver, Oregon, on May 29th, with a squadron of the 1st Dragoons, en route to Benicia, California, was met, "on nearing the extreme settlements," by "rumors of Indian hostilities." Upon reaching the settlement at Knotts, near the Umpqua canon, Kearney was met by a number of citizens with a petition requesting the protection of his troops. Reaching the Rogue River on June 17, "Signals and cries convinced us that we had been expected and our movements watched." Pushing up along the river bank, Captain Walker had a skirmish with some Indians, all of whom seem to have escaped by swimming the river. Half of the squadron, under Captain Walker, pushed across the river, leaving the other half under Captain Stewart. The latter had a skirmish with the Indians, ending in

> A charge brilliant in itself, but most costly to us, as it resulted in the death of its most distinguished leader, who fell mortally wounded, whilst leading his men. Two others were badly wounded, one horse killed and several wounded.[55]

No more fighting occurred until the 23rd. In the afternoon of that day a four-hour battle occurred. In the meantime both Governor Gaines and ex-governor Lane were on their way to the scene of hostilities. But the fighting was over by the 27th, and Kearney started for California on the 29th,[56] taking with him thirty Indian prisoners—mostly women and

[53]"There are in the whole territory of Oregon," wrote Gaines to the President, "but the skeletons of two companies of artillery, and these are divided between four posts: one at Steilacoom on Puget's Sound, one at Dalles, one at Fort Vancouver, and one at Astoria. . . . "—Gaines to Fillmore, June 13. *Ibid.*

[54]R. Jones to C. M. Conrad, September 1. "There are no troops disposable, nor any that can now be sent to Oregon; nor could any force be put en route at this time, which could reach that distant region in season to meet the then existing state of affairs mentioned in the Governor's letter." *Ibid.*, enclosure 3.

[55]Kearney to Hooker, June 20, 1851. U.S.D.W., Records & Pensions, 456,905: *Old Files Section.*

[56]Gaines to Major Hathaway, July 3. U.S.D.I., O.I.A., General Files, *Oregon,* W 664/1851.

children. When Lane arrived at Rogue River he was told by Chief Jo—who shouted across the river!—that the Indians wanted peace. As no fighting was to be done, Lane continued on his way to Shasta Valley. Hearing, however, that Kearney was embarrassed by the number of his prisoners, Lane offered to relieve him of them. The offer was accepted, and the prisoners, escorted by Captain Walker, were delivered to Lane; who once more turned toward Rogue River, where, on July 7, he met Gaines and delivered to him the prisoners.[57] Gaines, who had arrived at Rogue River after all the fighting was over, succeeded in assembling a council of about one hundred Indians, and made with them an informal treaty, by which the Indians placed themselves under the jurisdiction of the United States, and promised to restore stolen property; in return for which promises the prisoners were restored to their tribe.[58] The Rogue River troubles being thus concluded—for the season of 1851—Lane soon left for Washington, having been elected to the position of territorial delegate, in the place of Thurston, who had died on his way back to Oregon, April 9, 1851.[59]

One other event in 1851 seems worthy of brief notice. William G. T'Vault and a party of eighteen men[60] set out from Port Orford to explore the interior on August 24. The expedition cannot be regarded as of much importance, and to go into its history in detail would be unnecessary. The Indians on the Rogue River threatened the party, but actual hostilities did not break out. Provisions became low, and on September 1 some of the party turned back. T'Vault and nine men went

[57]Gaines to Anson Dart, July 8. *Loc. cit.*

[58]General account in Bancroft, *op. cit.*, II, 224-232.

[59]Thurston remained in Congress until the close of the session of 1850-1851, being present on March 4, 1851. See *Congressional Globe,* 31 Cong. 2 sess., 791. He died at sea, off Acapulco. See Bancroft, *op. cit.*, II, 136. Lane, like Thurston, was a Democrat, and was elected to the vacant place by a majority of 1,832 out of 2,917 votes cast. *Loc. cit.*, 206.

[60]*Alta California,* October 14, 1851. Quoted in Bancroft, *op. cit.*, II, 196 *note 44.*

on. On the 14th, the little party was attacked on the lower Coquille River, and five of its members killed. T'Vault and Brush, both wounded, lost all their clothing in the fight, but succeeded in escaping to Cape Blanco.

News of this affair reached General Hitchcock at Benicia, California, sometime before October 18. He ordered one hundred and thirty men, under Colonel Casey, to re-enforce the small garrison already at Port Orford.[61] They sailed from San Francisco on October 18,[62] and arrived at Port Orford on the 22nd.[63] By that time peace seems to have been restored so the troops were employed to keep open the Oregon and California trail.[64]

The above events seem to be an excellent illustration of utter inconsistency. The reader will recall that Dart, Parrish, and Spalding arrived at Port Orford on September 14,[65] in order to make peace treaties. That very day the T'Vault party was attacked on the Coquille; and two days later T'Vault and Brush, alive, but "naked and stiff with wounds," were escorted to Port Orford "by the charitable natives of Cape Blanco,"[66]—a grim reminder that not all Indians were thinking of peace treaties.

Agent A. A. Skinner left Oregon City for the Rogue River agency on October 13, 1851. Writing to Anson Dart on November 25 (when the latter was en route to Washington), he was able to state that he had met parts of the Umpqua and Shasta bands of Rogue River Indians at Perkin's Ferry, had

[61]General Hitchcock had visited Oregon in August, 1851, and ordered the establishment of a post under a lieutenant and twenty men at Port Orford. See Hitchcock to R. Jones, August 29, 1851. U.S.D.W., A.G.O., *Old Files Section,* 387 H/1851.

[62]Maj. Robt. Allen to Col. Thomas, October 30, 1851. 32 Cong. 1. sess. vol. 2, pt. 1, (ser. 634), *H. Ex. Doc. 2,* 149-150.

[63]Bancroft, *op. cit.,* II, 201, *note 53.*

[64]Hitchcock to R. Jones, October 27, 1851. U.S.D.W., A.G.O., *Old Files Section,* 423 H/1851.

[65]*Ante,* 85.

[66]Bancroft, *op. cit.,* II, 233.

distributed presents to them, and found them quite friendly. A few days later, at the request of Chiefs Jo and Sam, he met another part of the Shasta band of the Rogue Rivers, "to whom I made presents of what blankets and calico I had remaining, and of the tin pans and pails."[67]

But in July of 1852 there was renewed danger of Indian war. A white man was murdered, on July 8, in Scott's Valley, by some Shasta Indians. The whites arrested the Shasta chief, who, however, not only refused to give up the murderers, but also escaped. At about the same time Chief Sam visited one Dr. Ambrose, demanding of him either three beef cattle or the surrender of his property, which Sam said he had previously sold to T'Vault. Sam also wanted to trade two Indian children and a horse for a little girl of Dr. Ambrose's. On the 15th, the Indians again threatened the home of Dr. Ambrose, but a number of white men en route to the mines came by, whereupon the Indians decamped. The whites reported the matter in Jacksonville, with the result that seventy-five or eighty volunteers decided to fight the Indians. Hearing of matters on the 16th, Skinner persuaded these men to allow him to hold a conference with the Indians, in an attempt to maintain the peace. On the 17th, the whites, mounted and armed, drew up near the Big Bar of Rogue River. The Indians, on the opposite side of the river, refused to cross unless the whites dismounted and stacked their arms. This was done. Sam came over to the whites with a few Indians. No conclusion being reached, Sam, and later Skinner, recrossed the river to the Indians, to persuade them to come over and meet the whites. While he was on the Indian side, Skinner received word that the whites were about to attack the Indians. Recrossing the river, he found great excitement. The whites proposed to shoot down the twenty or twenty-five Indians on their side of the river. To avert this, Mr. Martin Angel made prisoners of the Indians—with their own consent. But it

[67]32 Cong. 2 sess. vol. 1, pt. 1, (ser. 673), *H. Ex. Doc. 1,* 452.

seems that one of the Indians tried to draw his bow or to escape, which resulted in his being fired upon. Soon the firing became general; and Skinner, whose services as an agent were no longer of any use, left to protect his home. A running fight along the river bank was kept up during the night of the 17th and the morning of the 18th. On the 20th, Sam proposed a cessation of hostilities. On the 21st, the Indians and whites met at the agency house, and the difficulties were settled.[68] Considering the ease with which such difficulties could develop into a first-class Indian war, we may consider Agent Skinner very fortunate.

On December 14, 1852, Anson Dart gave notice of his resignation, to become effective on June 30, 1853. He gave as his reason for this step "the increased and increasingly high cost of living in Oregon, together with the inadequate salary to meet these expenses."[69] Bancroft's estimate, "Altogether Dart seems to have been a fair and reasonable man, who discharged his duty under unfavorable circumstances with promptness and good sense,"[70] seems to me a just one. Joel Palmer was appointed to the Oregon superintendency, being notified thereof on March 18, 1853.[71] He accepted the position on May 4,[72] and held it until August 16, 1856,[73] managing Indian affairs in Oregon during three of the most critical years in their history.

During Palmer's administration the golden thread of peace and the scarlet thread of war constantly intermixed. It will be recalled that the six treaties negotiated by the commissioners in 1851 and the thirteen negotiated in that same year by Dart alike failed of ratification. Palmer also was active in

[68]Skinner to Dart, July 26, 1852. 32 Cong. 2 sess. vol. 1, pt. 1, (ser. 673), *H. Ex. Doc. 1,* 455-458.

[69]Dart to Lea, December 14, 1852. U.S.D.I., O.I.A., General Files, *Oregon,* D 247/1853.

[70]Bancroft, *op. cit.,* II, 216.

[71]Lea to Palmer, March 18, 1853. U.S.D.I., O.I.A., *Letter Book No. 47,* 73.

[72]Palmer to Lea, May 4. U.S.D.I., O.I.A., General Files, *Oregon,* P 95/1853.

[73]A. F. Hedges to Manypenny, August 22, 1856. *Ibid.,* H 276/1856.

treaty-making, but his treaties were ratified. His administration was, however, overshadowed not only by the Rogue River outbreak of 1853, but also by what was perhaps one of the most severe Indian wars in American history—the Rogue River War of 1855-56. We have already noted the beginning of trouble with these Indians. But during Palmer's administration the war flared up with renewed fierceness: murder and pillage, the red glare of burning homes and crops were sights far too frequent.

Early in August, 1853, serious Indian troubles broke out in the vicinity of Jacksonville. On the 4th Richard Edwards was killed, and the next night Thomas J. Mills and Rhodes Noland were killed, and two others wounded. Ten houses were burned within as many miles of Jacksonville.[74] On the 7th Captain B. R. Alden, in command at Fort Jones, Scott's Valley, California, received "a petition from the principal inhabitants of Rogue River Valley, Oregon, representing that an Indian war had broken out in the valley,"—and describing the above-mentioned murders and house-burnings. "The whole valley was in alarm," said the petitioners, "the Rogue River and other tribes had combined, numbering over 200 warriors."[75] Alden was not in a position to give efficient aid, but he did his best, and that promptly. There were only twenty-two men at Fort Jones, and half of them were on the sick list. But within a few hours after receiving the petition, Captain Alden packed "25 muskets, 5 carbines, and 600 rounds of ammunition, on mules, and with all my disposable force, amounting to but ten men, I marched for the scene of hostilities."[76] Passing through Yreka, California, Alden enrolled a volunteer company of eighty men. He arrived at Jacksonville, Oregon, on the 9th, only two days after he had received

[74]Bancroft, *op. cit.*, II, 312, *note 5.*

[75]B. R. Alden to Adjt. Genl., August 20, 1853. U.S.D.W., Records & Pensions, 456905: *Old Files Section.*

[76]Alden to Adjt. Genl., October 18. 33 Cong. 1 sess. vol. 1, pt. 2, (ser. 711), *H. Ex. Doc. 1,* 41-43.

the petition. There he enrolled two more companies of volunteers. On the 11th he mustered his force at Camp Stewart, seven miles from Jacksonville. There he was joined by twenty more volunteers, making a force of about 200 men. That same day Captain Alden learned that the Indians, about 250 strong, were at Table Rock, some ten miles away. The story now rises to dramatic heights:

> I made dispositions at once to attack them that night; when suddenly, at dusk, a man rode into camp at full speed, announcing, in the hearing of all the troops, that the Indians had appeared in force in the valley, that they had just killed two white men, had burnt a house and several haystacks, and that the families in the north of the valley were in imminent danger of being massacred. At this announcement, 20 men of the independent volunteers . . . darted off at full speed in the direction of the burning house. . . .[77]

Consequently Alden could not attack the Indians at Table Rock that night. By the 16th, when his force was again sufficient for operations, the Indians had moved off. The next morning, however, Lieutenant Ely discovered the Indians on Evans Creek, some ten miles north of their former encampment. As he had but twenty-five men, Lieutenant Ely sent to Camp Stewart for aid, but before the re-enforcements arrived Chief Sam had discovered his whereabouts, and a three and a half hour battle had occurred, in which the whites lost five killed and three wounded.[78]

Having returned from Washington in May, Joseph Lane[79]

[77] *Ibid.*

[78] *Ibid.* Also Alden to Adjt. Genl., August 20, 1853. U.S.D.W., Records & Pensions, 456905: *Old Files Section.*

[79] Lane's term as territorial delegate ended with the close of the 32nd Congress. Soon after the Pierce administration came into office, most of the Whigs in Oregon were replaced by Democrats. This was fortunate for Lane, as it enabled him to return to Oregon, May 16, 1853, with an appointment to the territorial governorship. But Lane resigned the governorship on May 19, in order to run for the position of territorial delegate, which he had just vacated. His opponent was the former Indian agent, A. A. Skinner, a Whig.

was, on August 17, at his home in Umpqua Valley, when he received news of Indian disturbances. He at once proceeded with Captain Armstrong and some ten or twelve others to the scene of hostilities. Arriving at Stewart Creek on the 21st, Lane there met Captain Alden and the troops. The next day Alden tendered him the command of the entire expedition, which he accepted; and, at 4 A. M. "left camp for the mountains, having divided the forces into two battalions in order better to scour the whole country." The troops, having advanced about fifteen miles beyond Table Rock, discovered the trail of the Indians, and, on the night of the 22nd, camped upon it. On the 23rd progress was rendered difficult because the Indians had fired the country through which they had passed: "The falling of the burning timber and the heat delayed our progress, while the dense smoke prevented us from ascertaining with certainty the face of the country." That evening the troops camped at Battle Creek. On the morning of the 24th the Indian camp was located "in a dense forest thick with underbrush." When about 400 yards distant,

> The troops . . . were ordered in a low voice to dismount, tie their animals, and prepare for battle. Col. Alden at the head of Capt. Goodall's Company was directed to proceed on the trail and attack the enemy in front, while a portion of Capt. Rhodes' Company was directed to follow a ridge running to the left of their trail and turn their flank. Col. Alden proceeded to engage them in the most gallant manner, his well directed fire being the first intimation of our approach. . . .[80]

Captain Rhodes engaged the Indians on their right, while Lane waited for the arrival of the rear guard, whom he led

Lane won by a majority of 1,575 out of a total of 7,486 votes cast. He left for Washington in October, after fighting the Rogue River Indians. See Bancroft, *op. cit.*, II, 308-310.

[80]Lane to Hitchcock, n. d., printed in *Placer Times and Transcript*, San Francisco, September 30, 1853. U.S.D.W., A.G.O., *Old Files Section*, 441 H/1853, enclosed in 59198 A.G.O. 1897. See also 33 Cong. 1 sess. vol. 1, pt. 2, (ser. 711), *H. Ex. Doc. 1*, 37-41.

into action. "On arriving on the ground," he reported, "I found Col. Alden, who had been shot down early in the fight, dangerously wounded, in the arms of his faithful Sergeant. . . . " Finding that the Indians were fighting from behind trees and underbrush, Lane led a charge against them, and was wounded in the right shoulder. The battle continued for three or four more hours. At the end of that time Captain Goodall sent Mr. Tyler to inform Lane that the Indians wished to make peace. In the meantime Robert Metcalfe and James Bruce had been sent within the Indian lines to talk. Upon learning that Lane was in command, the Indians expressed a great desire to see him. So, in spite of his wound, Lane went to the Indians, and talked with his namesake, Jo, and with the subordinate chiefs, Sam and Jim, "who told me their hearts were sick of war, and that they would meet me at Table Rock in seven days, where they would give up their arms, make a treaty and place themselves under our protection." Thus the battle ended, with three killed and five wounded on the side of the whites; and eight Indians killed and twenty wounded, seven of whom died of their wounds.[81]

Just after the battle, while peace negotiations were pending, Captain J. W. Nesmith, of the Oregon volunteers, accompanied by Lieutenant Kautz of the regular army, arrived with some more volunteers and a howitzer.[82] Later, on September 4th, Superintendent Palmer and Agent S. H. Culver[83] arrived at Camp Alden, near Table Rock. On the 8th, General Lane, Palmer, and S. H. Culver met the Rogue River chiefs on the council ground at Table Rock, and "the terms of a treaty of peace which had been proposed by General Lane on the field of battle on the 24 and 25 of August were fully agreed on."[84]

[81]Lane to Hitchcock, *loc. cit.*

[82]*Ibid.*

[83]Samuel H. Culver had been notified of his appointment to the Grande Ronde agency by Manypenny on May 6, 1853. U.S.D.I., O.I.A., *Letter Book No. 47,* 192.

[84]Palmer to Manypenny, October 8, 1853. U.S.D.I., O.I.A., General Files, *Oregon,* P 153/1853.

This treaty was a purely military affair, which did not provide for the cession of one inch of land. The Indians promised to maintain the peace (Art. 1), to live upon land later to be set apart for them (Art. 2), and to surrender all firearms to General Lane or the Indian agent, except a few guns allowed for hunting (Art. 3). In the event of an outbreak of war, the Indians "shall forfeit all right to the annuities or money to be paid for the right to their lands." (Art. 6.)

This treaty of peace was followed two days later by a formal treaty of cession, known as the Table Rock Treaty.[85] By this treaty the Indians ceded their lands (Art. 1), reserving, however, the right to occupy a tract of about 100 square miles[86] on the north side of Rogue River, from Evans Creek east to Lower Table Rock (Art. 2). In payment for the above-mentioned cession the United States agreed to pay to the Rogue River Indians $60,000; from which, however, $15,000 were deducted to settle claims for property damaged during the war. Of the remainder, $5,000 were to be paid by September 1, 1854, in the form of agricultural implements, blankets, and clothing; and $40,000 were to be paid in sixteen equal annual payments of $2,500 each, in blankets, clothing, farming implements, and stock (Art. 3). Each of the three principal chiefs was to be provided with a dwelling house, not to exceed $500 in value (Art. 4). The Indians were to give safe conduct to all persons traveling through their reserve (Art. 5); and were not to punish the misconduct of individuals by revenge or retaliation. The chiefs were to submit complaints to the Indian agent, and offenders were to be punished according to the laws of the United States (Art. 6). The seventh article originally provided for ratification; but the

[85] *Ibid.*, L 323/1854. Printed in C. J. Kappler, ed., *Indian Affairs: Laws and Treaties*, II, 447-449. 57 Cong. 1 sess. vol. 35, (ser. 4254), *Sen. Ex. Doc. 452*. See also C. C. Royce, ed., "Indian Land Cessions in the U. S.," in Bureau of Am. Ethnology, eighteenth annual *Report*, 1896-97, part 2, pp. 788-789 and map number 51.

[86] Palmer to Manypenny, October 8, 1853. *Loc. cit.*

Senate inserted a new seventh article which provided that farms could be established among the Rogue River Indians, and that the annuities provided for in other articles of the treaty could be used for this purpose, if deemed proper by the President and the Senate.[87] Article eight provided for ratification. The treaty was duly ratified April 12, 1854, and proclaimed on February 5, 1855.

Having made the Table Rock Treaty, and brought the Rogue River difficulties to an end—at least for the time being—Palmer proceeded to negotiate a series of treaties: with the Cow Creek band of the Umpquas,[88] the Chastas,[89] the Umpquas,[90] the confederated bands of Calapooias,[91] and the tribes of middle Oregon[92]—the net result of which was to put a quietus upon far the greater portion of Indian land claims between the Cascades and the Pacific as well as in middle Oregon.[93] There is no necessity for going over any of these treaties; they find their prototype in the Table Rock Treaty about which so much has already been said.

We have carried the story of Indian affairs in Oregon up to 1855—the year in which the Rogue River War once again broke out. Troubles in Oregon and Washington were coincident, as the Yakima troubles also started in 1855. We shall therefore treat the two wars together; but before doing so some attention should be given to the development of Indian affairs in Washington, to the policy of Isaac I. Stevens as shown, more especially, in the great Indian councils of 1854 and 1855.

[87]Palmer to Manypenny, December 12, 1854. U.S.D.I., O.I.A., General Files, *Oregon,* P 316/1855.

[88]September 19, 1853. Kappler, *op. cit.,* II, 449-450.

[89]November 18, 1854. *Ibid.,* 489-491.

[90]November 29, 1854. *Ibid.,* 491-494.

[91]January 22, 1855. *Ibid.,* 498-500.

[92]June 25, 1855. *Ibid.,* 536-539.

[93]Details as to cessions can be seen in Royce, *op. cit.,* map 51.

II

THE POLICY OF ISAAC INGALLS STEVENS[94]

Isaac Ingalls Stevens was prodigious in the mass of his accomplishment. Therein lay his importance for the Indian service; therein lies his interest for us. Born in Massachusetts in 1818, Isaac Stevens received a West Point education—standing, in fact, first in his class. He served as a lieutenant of engineers during the Mexican War, and seems to have had a promising career of military activity before him. Evidently it was not promising enough, nor broad enough in the scope of its activities, to suit him; for, on March 21, 1853, he resigned his commission in the engineers[95] in order to accept the dual position of governor and superintendent of Indian affairs of Washington Territory.[96] Nor was that all. The War Department granted his request to explore and survey the northern route for a Pacific railroad, "from the sources of the Mississippi to Puget Sound."[97] Thus Stevens was under the jurisdiction of three departments: the State Department had control of his activities as governor of Washington; the Interior Department had jurisdiction over superintendents of Indian affairs; and the War Department was in charge of the survey for a Pacific railroad.

We need concern ourselves only with Stevens as superintendent of Indian affairs; and only with such part of his widespread activities as reflect upon his personality, methods, or policy. Leaving Washington, D. C., on May 9,[98] Stevens

[94]A eulogistic life has been written by his son, Hazard Stevens. *Life of General Isaac I. Stevens,* Boston and N. Y., 1900.

[95]Stevens to Brig. Genl. Jos. G. Totten, March 21, 1853. Hazard Stevens, *Life of Genl. Isaac I. Stevens,* I, 282-283.

[96]Stevens to Robt. McClelland, March 21, 1853. U.S.D.I., O.I.A., General Files, *Washington,* W 222/1853.

[97]Stevens, *op. cit.,* I, 292.

[98]*Ibid.,* 302.

arrived at St. Louis on the 15th of the same month. Here he met one Alexander Culbertson, "whom I found to possess a great knowledge of the Blackfeet Indians;"—whereupon Stevens appointed him as a special agent, and so notified Manypenny.[99] While it was of little significance in itself, the incident may be regarded as illustrative of that military promptness which was undoubtedly one of the characteristics of Governor Stevens.

From St. Louis Governor Stevens proceeded northward to St. Paul, then westward to Olympia, going by way of Fort Union, Fort Benton, and the Coeur d'Alene mission. He held a council with the Gros Ventres on Milk River on August 26,[100] and met the Blackfeet and Piegans at Fort Benton on September 21.[101] Already the idea of settling the quarrels between the Blackfeet, Piegans, and Gros Ventres east of the Rocky Mountains, and the Flatheads, Kootenais, Nez Percés, and other tribes west of the mountains by means of a general council was deeply rooted in Governor Stevens' mind. As he wrote to Manypenny on September 8, 1853:

> The time is now favorable for action. The Indians are in the proper state of mind, and I would suggest to the Department, the holding of a council of the Tribes East, & West of the Mountains next summer, consisting of Commissioners to be appointed by the Government, and the chiefs, and Braves of the Tribes north of the Missouri, and [also those] immediately west of the Mountains, to wit, Gros Ventres, Piegans, Bloods, Blackfeet, Flat Heads, and Kootenais. There is no doubt a general pacification among the Tribes could be brought about, on the basis of the treaty of Laramie.[102]

Two years were destined to pass before the above ideal became an actuality. In the meantime Governor Stevens pro-

[99]May 27, 1853. U.S.D.I., O.I.A., General Files, *Washington,* W 243/1853.
[100]Stevens, *op. cit.,* I, 357.
[101]*Ibid.,* 373-374.
[102]U.S.D.I., O.I.A., General Files, *Washington,* W 292/1853.

ceeded on his way: through the Nez Percé country to the Coeur d'Alene mission, reaching the latter on October 12, and holding a council with the Indians on the following day.[103] Finally, on November 25, Olympia was reached.[104] After organizing the civil government, Stevens visited the various small tribes of Indians in the Puget Sound region. Writing to Manypenny on December 26, 1853, he gave the warning that:

> There is urgent necessity existing for treaties being immediately made with the Indians west of the Cascade Mountains, in this Territory. . . . The lands of all the Indians from the Columbia River to the 49 of lat. west of the Cascade Mountains, are so fast becoming settled, by the whites, that within another year there will hardly be a choice claim of land . . . but what will be located upon by settlers; and then the Indians will be driven from their homes.[105]

Nothing was done for some time. It became necessary for the governor to return to Washington, D. C. in the spring of 1854. Though his time in Washington was mainly taken up by a disagreement with Jefferson Davis in regard to the northern route to the Pacific; yet time was found in which to place the details of the Indian situation in Washington Territory before the proper authorities. The result was that $45,000 were appropriated "for the expenses of negotiating treaties with, and making presents of goods and provisions to, Indian tribes in the territory of Washington;" and $80,000 more "for the expenses of holding a council with, and making presents of goods and provisions to, the Blackfeet, Gros Ventres, and other wild tribes of Indians, immediately within or adjacent to the eastern boundary of Washington Territory."[106] In September, 1854, Governor Stevens set out for Olympia

[103]Stevens, *op. cit.*, I, 388-390.

[104]*Ibid.*, 414.

[105]U.S.D.I., O.I.A., General Files, *Washington*, W 321/1854.

[106]Appropriation bill of July 31, 1854. 10 *U. S. S. L.*, 330.

with his wife and four children,[107] arriving there in time to hold the first of an important series of Indian councils before the end of the year.

We have now come to the crux of the matter: the series of great Indian councils, beginning with that on Medicine Creek in December, 1854, and reaching their culmination with the Blackfoot Council of 1855. To study each of these councils in detail would be needless labor—their purposes, to wit, the settlement of land claims and the maintenance of peace, were the same; and the methods of conducting them were the same. The reports of Governor Stevens are ample; they exhibit a thoroughness of detail shown, so far as I know, by no other reports submitted to the Office of Indian Affairs during the period covered by this work. Let us first study the Medicine Creek Council, held late in December, 1854.[108]

On December 7, 1854, Governor Stevens organized a "Commission to hold Treaties with the Indian Tribes in Washington Territory and the Blackfoot Country" consisting of James Doty, secretary; George Gibbs, surveyor; H. A. Goldsborough, commissary; and Frank Shaw, interpreter.

The Commissioners spoke of general operations among the Indian Tribes in Washington Territory and the necessity of speedily concluding Treaties with them and placing them on Reservations.

The Secretary then read Treaties lately concluded by the Commissioner of Indian Affairs with the Ottoe and Missouri Indians and the Omahas, and their provisions were fully discussed, and the proper form for Treaties with Tribes West of the Cascade Mountains was considered.

After considerable discussion upon Reservations, Fishing Stations, Farms, Schools &c. the Commissioners directed Mr. George Gibbs to prepare a programme of a Treaty in accordance with the views of the Commission.

[107]Stevens, *op. cit.*, I, 433.

[108]Papers relating to the Council of Medicine Creek in U.S.D.I., O.I.A., General Files, *Washington,* W 537/1855.

The question of employing a small schooner for the use of the Commission and transportation of Indian Goods came up, and it was decided to employ such schooner at $700 per month manned and victualled by the owner.

On December 10 the commissioners met, and Mr. Gibbs read the draft of a treaty, intended, with proper modifications, to serve as the basis for treaties to be made with various tribes of Indians living near the Sound and along the Pacific coast. Among others, this draft contained the following provisions:

Art. I. The following named Tribes and Bands cede to the United States all their lands whatsoever.

Art. II. The right of fishing at common and accustomed places is further secured to them.

May be removed from one Reservation to another on payment for improvements and cost of removal.

Art. IV. In consideration of the cession the United States agree to pay the said Tribes &c. the sum of $..... to be expended in such manner as the President shall direct.

Art. VI. President authorized to divide their lands and assign lots to heads of families.

The United States to maintain at the Central Agency an Agricultural School free to the children in common with other Tribes & provide Medical attendance.

Art. VIII. The Indians agree to be on friendly terms with the whites. Not to make war on any other tribes but submit differences to Agent.

Art. X. Liquor to be excluded from Reserves.

Art. XII. They agree to free all slaves held at the time of the Treaty, and to make no more.

Art. XV. They agree not to trade at Vancouver Island, nor shall foreign Indians be permitted to reside on their lands.

So much for the articles of the proposed treaties. It was also agreed, at the meeting of December 10, "that all the Indians to be first treated with, be seen and summoned to meet at the mouth of the Nisqually on the 24th. inst." So, on the

24th, Governor Stevens and his son, Hazard, James Doty, George Gibbs, Edward Giddings, Lieutenant W. A. Slaughter, and the secretary of Washington Territory, Mr. C. H. Mason, went from Olympia to the treaty grounds by canoes. There they found assembled some 630 Indians of the Nisqually, Puyallup, and Squaxon tribes. Christmas evening seems to have been spent in an informal discussion of the treaty. The next morning the Indians were addressed by the governor. As the address was short, I shall give it, as an example of the somewhat florid type of eloquence that was in demand at all Indian councils.

This is a great day for you and for us. A day of peace and friendship between you and the whites for all time to come. You are about to be paid for your lands, and the Great Father has sent me today to treat with you concerning the payment. The Great Father lives far off. He has many children, some of those children came here when he knew but little of them, or of the Indians, and he sent me to inquire into these things. We went through this Country this last year, learned your numbers and saw your wants. We felt much for you, and went to the Great Father to tell him what we had seen. The Great Father felt for his children. He pitied them and he has sent me here today to express those feelings and to make a Treaty for your benefit. The Great Father has many white children who come here, some to build mills; some to make Farms; and some to fish. And the Great Father wishes you to have homes, pastures for your horses and fishing places. He wishes you to learn to farm and your children to go to a good school; and he now wants me to make a bargain with you, in which you will sell your lands and in return be provided with all these things. You will have certain lands set apart for your homes and receive yearly payments of Blankets, Axes &c. All this is written down in this paper which will be read to you. If it is good you will sign it, and I will then send it to the Great Father. I think he will be pleased with it and say it is good; but if not, if he wishes it different, he will say so and send it back and then if you agree to it, it is a fixed bargain and payments will be made.

After which the treaty was read and explained to them, point by point, Frank Shaw acting as interpreter. Governor Stevens then said:

"The paper has been read to you. Is it good? If it is good we will sign it: but if you dislike it, in any point, say so now. After signing we have some goods to give you and next summer we will give you more: and after that you must wait until the paper comes back from the Great Father. The goods now given are not a payment for your lands; they are merely a friendly present."

The Indians had some discussion, and Gov. Stevens then put the question, "Are you ready? If so I will sign it." There were no objections, and the Treaty was then signed by Gov. I. I. Stevens and the Chiefs, Delegates and Headmen on the part of the Indians and duly witnessed by the Secretary, Special Agent and seventeen citizens present.

Thus the Treaty of Medicine Creek was concluded.[109] We may summarize its articles as follows:

1. Provided for the usual land cession.

2. Provided for three reservations: one on Squaxon island; one on the Nisqually river; and the third at the head of Commencement bay.[110]

3. The right of taking fish from all usual and accustomed grounds and stations was secured to the Indians.

4. $32,500 to be paid to the Indians in annuities of goods, clothing, etc., over a period of twenty years after ratification.

5. To enable the Indians to remove to and settle upon their reservations, $3,250.

6. Reservations to be surveyed and assigned to individuals over twenty-one years of age, and to heads of families, upon the same conditions as those laid down in the sixth article of the treaty of March 16, 1854, with the Omahas.[111]

[109]Text of the treaty in Kappler, *op. cit.*, II, 495-497.

[110]C. C. Royce, "Indian Land Cessions," in Bureau of Am. Ethnology, eighteenth annual *Report*, 1896-97, part 2, pp. 798-799. Cession shown on map number 60, section 345. Squaxon Island res. section 346; Nisqually res. sec. 406; Commencement Bay res. sec. 405. For larger scale see map number 63.

[111]Kappler, *op. cit.*, II, 455.

7. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

8. "The aforesaid tribes and bands . . . promise to be friendly with all citizens" of the United States. . . . "Nor will they make war on any other tribe except in self defense, but will submit all matters of difference between them and other Indians to the Government of the United States."

9. Ardent spirits to be excluded from the reservations.

10. The United States to establish a general agency for the Puget's Sound district within one year from the ratification hereof. The United States to establish and maintain for twenty years from the date of ratification an "agricultural and industrial school, to be free to children of the said tribes and bands in common with other tribes of said district, and to provide the said school with a suitable instructor or instructors;" also a blacksmith shop, and a carpenter shop; and to employ for the same period a blacksmith, a carpenter, and a farmer. A physician to reside at the central agency.

11. "The said tribes and bands agree to free all slaves now held by them, and not to purchase or acquire others hereafter."

12. "The said tribes and bands finally agree not to trade at Vancouver's Island, or elsewhere out of the dominions of the United States; nor shall foreign Indians be permitted to reside in their reservations without consent of the superintendent or agent."

13. Treaty to be effective as soon as ratified.

Such were the terms of the Treaty of Medicine Creek; and such, in the main, were the provisions of the treaties of Point Elliott,[112] Point No Point,[113] and Neah Bay[114]—the combined effect of which was the extinguishment of the Indian title to the northwestern portion of Washington Territory.[115]

[112]January 22, 1855. Kappler, *op. cit.*, II, 501-503.

[113]January 26, 1855. *Ibid.*, 504-506.

[114]January 31, 1855. *Ibid.*, 510-512.

[115]See Royce, *op. cit.*, maps number 60 and 63.

The Indian title to a far more extensive tract of country was settled by a series of great councils with the Walla Wallas, Flatheads, and Blackfeet, held during the summer and autumn of 1855. To go into the history of these councils in detail is out of the question; let it suffice to indicate some interesting features connected therewith.

The Walla Walla Council lasted from May 29 to June 11, 1855. Large delegations from the Nez Percé, Walla Walla, Cayuse, Umatilla, and Yakima tribes attended. As most of these tribes roamed over both Oregon and Washington, Joel Palmer, the superintendent of Indian affairs for Oregon Territory, attended the council along with Governor Stevens. The Nez Percés seem to have been consistently friendly; the other tribes varied only in the degree of their hostility. Most of the Indians—with what reason they well knew!—objected to ceding their lands. Pio-pio-mox-mox, the Walla Walla chief, spoke very plainly to the whites:

> In one day the Americans become as numerous as the grass. This I learned in California. I know it is not right; you have spoken in a roundabout way. Speak straight. I have ears to hear you and here is my heart. Suppose you show me goods, shall I run up and take them? That is the way with all us Indians as you know us. Goods and the earth are not equal. Goods are for using on the earth. I do not know where they have given lands for goods.
>
> We require time to think, quietly, slowly. You have spoken in a manner partly tending to evil. Speak plain to us. I am a poor Indian. Show me charity. . . .[116]

Many Indians spoke; few could speak as well as Pio-pio-mox-mox. Affairs had to grow worse before they could grow better. The Cayuses, under the lead of Young Chief, conspired to get the Walla Wallas and Yakimas to join them in a massacre of the whites attending the council. The conspiracy was discovered by Lawyer, head chief of the Nez Percés. To protect his friends Lawyer came by night, disclosed the con-

[116]Stevens, *op. cit.*, II, 46.

spiracy to Governor Stevens, and then pitched his tents in the midst of the governor's camp, thus giving public notice that the whites were under the protection of his tribe. The conspiracy collapsed.

Affairs now grew better. But many concessions were required to bring the Indians to the point of signing the treaties. It had been intended that the Cayuses, Walla Wallas, and the Umatillas would cede their entire country, and remove to a reservation in the Nez Percé country. This they would not do; so a reservation on the Umatilla River had to be provided for them. The head chiefs were to receive a salary in cash, entirely separate from tribal annuities. $500 per year for ten years had been the original figure; but twenty years was the period finally agreed upon.[117]

At last, on June 9, two treaties, one with the Walla Walla, Cayuse, and Umatilla, and the other with the Yakima Indians were signed. We shall examine the Walla Walla treaty.[118] The first article provided for the usual land cession,[119] and for a reservation—eight hundred square miles in extent—on the Umatilla River.[120] Article two provided that $100,000 be expended for the "use and benefit of the confederated bands herein named." Article three provided for the expenditure of $50,000 during the first and second years after ratification for buildings and equipment upon the reservation.

In Article four "The United States agree to erect at suitable points on the reservation, one saw mill, one flouring mill, a building suitable for a hospital, two school houses, one blacksmith shop, a building for a wagon and plough maker, and one carpenter and joiner shop." The United States was to employ, for a period of twenty years "two millers, one farmer, one superintendent of farming operations, two school teachers, one

[117]General account of the Walla Walla Council in Stevens, *op. cit.*, II, 34-65.

[118]Text in Kappler, *op. cit.*, II, 521-524.

[119]Royce, *op. cit.*, maps number 51, section 362 and 60, sec. 362.

[120]*Ibid.*, map number 51, sec. 363. This reservation is still in existence.

blacksmith, one wagon and plough maker, one carpenter and joiner. . . ."

Article five shows just how far Governor Stevens and Joel Palmer were willing to go to conciliate an irascible old Indian chief:

The United States further engage to build for the head chiefs of the Walla Walla, Cayuse, and Umatilla bands each one dwelling house, and to plough and fence ten acres of land for each, and to pay to each five hundred dollars per annum in cash for the term of twenty years. The first payment to the Walla Walla chief (i.e., Pio-pio-mox-mox) to commence upon the signing of this treaty. To give to the Walla Walla chief three yoke of oxen, three yokes and four chains, one wagon, two ploughs, twelve hoes, twelve axes, two shovels, and one saddle and bridle, one set of wagon-harness, and one set of plough-harness, within three months after the signing of this treaty.

To build for the son of Pio-pio-mox-mox one dwelling house, and plough and fence five acres of land, and to give him a salary for twenty years, one hundred dollars in cash per annum, commencing September first, eighteen hundred and fifty-six.

It is further stipulated that Pio-pio-mox-mox is secured for the term of five years, the right to build and occupy a house at or near the mouth of Yakama River, to be used as a trading post in the sale of his bands of wild cattle ranging in that district.

One would certainly think that Pio-pio-mox-mox had nothing to complain about, yet, as we shall see, he was one of the leading spirits in the Yakima War, in the course of which he met a tragic death.

Article six provided that the reservation should be surveyed, and allotments made as follows:

To single persons over 21 years of age	40 acres
To families of two	60 acres
To families of from three to five	80 acres
To families of from six to ten	120 acres
To families over ten	120 acres
(Plus 20 acres to each additional three members)	

Article seven provided that tribal annuities were not to be used to pay individual debts. Article eight provided that the Indians "be friendly with citizens of the United States, . . . nor will they make war on any other tribe of Indians except in self-defense." The ninth article made the usual provision prohibiting the trade in, or use of liquor within the reservation. By article ten the right of way for roads and railroads through the reservation was guaranteed. Article eleven provided for ratification.

Having thus examined the Walla Walla treaty, we need not go into detail concerning the Yakima treaty, which was negotiated the same day;[121] nor the Nez Percé treaty of June 11th.[122] Both were essentially the same as the Walla Walla treaty. The Yakima reservation was located on the Yakima River;[123] the Nez Percé reservation was in the Clearwater Valley[124] at Fort Lapwai. Both reservations are in existence today.

When the Walla Walla Council had been thus brought to a successful conclusion, Governor Stevens left the council grounds on June 16th, and proceeded eastward to the Flathead country. A council with the Flathead, Kootenay, and Upper Pend d'Oreille Indians was held from July 9th to July 16th. This council need not detain us. It was similar to the Walla Walla Council, and resulted in a similar treaty,[125] under the terms of which most of what is now western Montana was ceded to the United States[126] Provision was made for a reservation of over a million and a quarter acres, on the shore of Flathead Lake.[127] This reservation is in use today.[128]

[121]Kappler, *op. cit.,* II, 524-528.

[122]*Ibid.,* 528-531.

[123]Royce, *op. cit.,* map number 60, section 365.

[124]*Ibid.,* map number 16, section 442.

[125]Text of Flathead treaty in Kappler, *op. cit.,* II, 542-545.

[126]Royce, *op. cit.,* maps number 16, sec. 373 and 39, sec. 373.

[127]*Ibid.,* map number 39, section 374.

[128]Art. 3 of the treaty provided that roads should have the right of way through the reservation. The Northern Pacific railroad crosses the reservation west of Ravalli, Montana.

The last of the great councils with which we shall have to deal in the present chapter is the Blackfoot Council. It will be recalled that as early as September 8, 1853, Governor Stevens had suggested a council of the Indian tribes east and west of the Rocky Mountains to Commissioner Manypenny.[129] Eighty thousand dollars had been appropriated for that purpose by the act of July 31, 1854;[130] but no definite steps were taken until the end of December. On the 28th of that month Manypenny wrote to Secretary of the Interior McClelland[131] suggesting that Isaac I. Stevens, Joel Palmer, and Alfred Cumming, superintendent of the Central Superintendency, be constituted commissioners "to negotiate the treaties with the Indian tribes bordering upon the Territories of Washington and Oregon." For once the Office of Indian Affairs regarded the establishment of intertribal peace as an objective of greater importance than the cession of land. "The principal objects to be attained by the negotiations and presents," wrote Manypenny to Palmer, February 3, 1855, "are the establishment of permanent relations of amity with the wild Tribes of that region."[132] An identical letter was at the same time sent to Stevens; there was no need to send one to Cumming as he was in Washington at the time. But even at this eleventh hour, uncertainty and inefficiency seem to have held the Office of Indian Affairs in inaction at a time when action should have been the order of the day. ". . . As this Office has not been apprised what measures have been matured or are maturing by the War Department with reference to the tribes upon our frontiers, . . . I have to direct that you take no further steps with respect to the assembling of the Indians at the point proposed for a General Council."[133] So wrote

[129]U.S.D.I., O.I.A., General Files, *Washington,* W 292/1853.

[130]10 *U. S. S. L.,* 330.

[131]U.S.D.I., O.I.A., *Report Book No. 8,* 218-219. Duplicate in General Files, *Oregon,* I 800/1855.

[132]U.S.D.I., O.I.A., *Letter Book No. 50,* 455-456.

[133]*Ibid., Letter Book No. 51,* 93.

Manypenny to Stevens on March 17, 1855. About two weeks later, on April 2, Stevens was informed that a requisition for $10,000 had been made for the "Expenses of holding a Council with the Blackfeet, Gros Ventres and other wild tribes of Indians &c per Act of July 31st 1854."[134] So, at last, the council was authorized. The vacillation of Washington officialdom caused delay that might well have proved fatal to the council.

The council had been called to meet at Fort Benton, Nebraska Territory, and thither went the various tribal delegations—Piegans, Bloods, Blackfeet, and Gros Ventres; Flatheads, Upper Pend d'Oreilles, Kootenais, and Nez Percés—some as early as August, 1855, two months before the council actually met. Joel Palmer had decided that his presence in Oregon was more necessary than at Fort Benton, so matters were left in the hands of Stevens and Cumming. The latter arrived early in August, and the Blackfoot Commission was organized on the 14th of that month.[135] But the Indian goods, so essential to all councils, suffered considerable delay—in fact, the first few days of October found the goods still coming up the Missouri. Their non-arrival forced the Indians to take to hunting, and game grew scarce. To speed matters up Governor Stevens determined to move the council from Fort Benton to the junction of the Judith and Missouri rivers, about one hundred miles eastward. The goods would thus be met sooner than otherwise. The move was made, and, on October 11th, the goods were met near the mouth of the Judith River. After arranging the new camp, the council was formally opened, on October 16, with 3,500 Indians in attendance.[136]

The Blackfoot Council was remarkable for the good will that characterized its meetings. Peace was sincerely desired by all Indians present. Thus the first article of the treaty of

[134]Manypenny to Stevens, *ibid.*, 194-195.

[135]Commissioners to Manypenny, August 29, 1855. U.S.D.I., O.I.A., General Files, *Washington,* W 57/1856.

[136]Stevens, *op. cit.,* II, 112.

October 17[137] provided for the maintenance of peace between the signatory tribes and the citizens of the United States. The second article provided that the signatory tribes should remain at peace, not only with one another, but also with non-signatory tribes such as the Crows, Assineboins, and Sioux. Neither land cessions nor reservations were provided for, but by article three:

> The Blackfoot Nation consent and agree that all that portion of the country recognized and defined by the treaty of Laramie as Blackfoot territory, lying within lines drawn from the Hell Gate or Medicine Rock Passes in the main range of the Rocky Mountains, in an easterly direction to the nearest source of the Muscle Shell River, thence to the mouth of Twenty Five Yard Creek, thence up the Yellowstone River to its northern source, and thence along the main range of the Rocky Mountains, in a northerly direction, to the point of beginning, shall be a common hunting ground for ninety-nine years, where all the nations, tribes and bands of Indians, parties to this treaty, may enjoy equal and uninterrupted privileges of hunting, fishing and gathering fruit, grazing animals, curing meat and dressing robes. . . .[138]

Article four defined the Blackfoot country as:

> The tract of country lying within lines drawn from the Hell Gate or Medicine Rock Passes, in an easterly direction, to the nearest source of the Muscle Shell River, thence down said river to its mouth, thence down the channel of the Missouri River to the mouth of Milk River, thence due north to the forty-ninth parallel, thence due west on said parallel to the main range of the Rocky Mountains, and thence southerly along said range to the place of beginning. . . .[139]

Little else worthy of notice is to be found in the treaty. The United States agreed to expend for the Piegan, Blood, Blackfoot, and Gros Ventre the sum of $20,000 each year for ten years "in such useful goods and provisions, and other articles,

[137]Text of Blackfoot treaty in Kappler, *op. cit.*, II, 552-555.
[138]Royce, *op. cit.*, maps number 39, sec. 398; number 66, sec. 398.
[139]*Ibid.*, map number 39, sections 399, 565, and 574.

as the President . . . may from time to time determine." (Art. 9.) In addition to the foregoing, $15,000 were to be expended each year for ten years "in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children, and in any other respect promoting their civilization and Christianization." (Art. 10.)

The treaty being agreed to by the Indians and the commissioners on October 17, the next three days were spent in the distribution of presents to the various chiefs, speech-making, and friendly social visits. The last session of the council was held on October 22.[140]

A last word may be said in regard to the treaties which we have studied in the present part of the fourth chapter. Though negotiated in 1855—with the exception of the Treaty of Medicine Creek, which was negotiated on December 26, 1854—only two of them were ratified promptly: the Treaty of Medicine Creek on March 3, 1855, and the treaty negotiated at the Blackfoot Council on April 15, 1856. The treaties of Point Elliott, Point No Point, and Neah Bay; those negotiated at the Walla Walla and Flathead councils, were all ratified on March 8, 1859. It is hardly necessary to point out that the four-year delay in ratification retarded the payment of annuities and the establishment of reservations, and was a source of serious dissatisfaction among the Indians.

We have now studied a sufficient number of examples of his work to be able to better understand the significance of Isaac I. Stevens in the development of northwestern Indian policy. Most reservations provided for by the treaties which he negotiated are still in use. He was a very active man; and he pursued an active policy characterized by the positiveness of its decisions, but above all by its undeniable integrity. His lengthy reports often disclose the dreams of the idealist side by side with the facts of the practical man and soldier that

[140]Stevens to Manypenny, Olympia, February 23, 1856. U.S.D.I., O.I.A., General Files, *Washington,* W 57/1856.

he was. Other men there were who understood the Indians better than Governor Stevens—one thinks of Robert S. Neighbors in Texas, or Kit Carson at Taos. The most that can be said is that Isaac I. Stevens did his best as he understood it.

III

INDIAN AFFAIRS, 1855-1860

The Rogue River War in Oregon and the Yakima War in Washington might easily be treated as two entirely separate wars. Such treatment, it seems to me, would be in disregard of their essential unity. There is no room to doubt that the Indians in the Yakima country, on Puget Sound, and on the Rogue River were in communication with each other, and that an outbreak at any one point would have been the signal for a widespread Indian war.[141] This does not place the entire blame for the Rogue River and Yakima wars upon the Indians. Far from it. The whites were often guilty of gross misconduct towards the Indians: misconduct that habitually took the form of rapacious land grabbing, utter disregard of treaty rights, and even murder.

I do not intend to go into a detailed military history of the Rogue River and Yakima wars. To do so would be rather purposeless; one battle with the Indians was not so different from all others that they should all receive detailed treatment. To indicate the main course of the wars will be sufficient.

While Governor Stevens was smoking the pipe of peace with the Indians at the Blackfoot Council, the clouds of war were gathering over both Oregon and Washington. Fear of a possible Indian attack seems to have been latent in peoples' minds as early as June, 1855, for on the 17th of that month a company of "independent rangers" was organized in Jackson County, Oregon. This was "the first movement toward the reorganization of military companies since the treaties of Sep-

[141] Bancroft, *op. cit.*, II, 374, *note 11.*

tember, 1853."[142] Little occurred for some time. On August 26, the Rogue River Indians shot and wounded James Buford, near the mouth of Rogue River, in the Port Orford district.[143]

Far more serious was the threat of trouble with the Cayuse, Yakima, and Walla Walla Indians—all of whom, it will be recalled, had attended the Walla Walla Council and agreed to the treaties which had been negotiated at that time. We have already seen that with the exception of the Nez Percés, the Indians attending that council were inclined to hostility. Their acceptance of the treaties must have been absolutely insincere. In any event, the hostility of the Yakimas seems to have become manifest by the end of September. ". . . The Yackamahs . . . are determined to make war on the whites," wrote Agent R. R. Thompson to Superintendent Palmer on the 28th of that month.[144] News soon arrived of a definitely hostile act. About the middle of September A. J. Bolon, the special agent for the Yakimas, left his agency for the Spokane country, where he was to meet Governor Stevens upon the latter's return from the Blackfoot country. He had passed the Dalles, and was camped in the Spokane country, when Spokane Garry informed him "that the Yakimas had killed eight white men on their way to the Pend d'Oreille mines and that they intended to wage war against the whites."[145] Bolon turned back, intending to obtain a personal interview with Kamiakan, the head chief of the Yakimas. When nothing further was heard of Bolon for some time, Nathan Olney, the Indian agent at the Dalles, sent out an Indian spy, who returned with the news that Bolon had been killed by direction of Kamiakan.[146] War had come. The murder of the miners and the assassination of a government agent were acts of hostility for which

[142]Bancroft, *op. cit.*, II, 369-370.

[143]*Ibid.*, 371.

[144]U.S.D.I., O.I.A., General Files, *Oregon,* P 483/1855.

[145]J. Cain to Manypenny, October 6. *Ibid., Washington,* C 1702/1855.

[146]Palmer to J. Cain, October 3. 34 Cong. 1 sess. vol. 1, (ser. 810), *Sen. Ex. Doc. 1, pt. 1,* 514.

no condonement could possibly have been expected. C. H. Mason, who was acting governor of Washington Territory in the absence of Stevens, made a requisition upon forts Steilacoom and Vancouver for troops. Lieutenant Slaughter was dispatched with a force of fifty men from the former; Major G. O. Haller, with a force of 102 men and a mountain howitzer went from the Dalles to the scene of hostilities on October 3.[147] "It is to be hoped," wrote J. Cain to Manypenny on October 6, "that the force will prove sufficiently strong to inflict a severe punishment upon the Indians and thus check the war at the outset."[148] Instead of which Haller was surrounded by the Indians, on a hill near the Topinish River, on the evening of October 6. Rather severe fighting was kept up most of the 7th, but Major Haller and his command were forced to fall back to the Dalles:

> . . . Leaving behind them all their camp equipage, also the Howitzer with a great many of their animals. Their loss is five men killed, and twelve or fifteen wounded. On the part of the enemy . . . it is estimated that not less than forty were killed with the small arms, and probably the same number with the Howitzer.[149]

Thus ended Haller's Yakima campaign.

On October 8, Indian troubles broke out in Oregon. We have seen that in Washington it was the Yakima Indians who struck the first blow, by assassinating Bolon. In Oregon a gang of white ruffians attacked two camps of Rogue River Indians near Thompson's Ferry. The whites were led by one James Lupton, who was fortunately killed by the Indians. Twenty-three Indians, fifteen of whom were women and child-

[147]G. J. Raines to G. L. Curry, October 9. 34 Cong. 1 & 2 sess. vol. 2, (ser. 811), *Sen. Ex. Doc. 1, pt. 2,* 83. J. Cain to Manypenny, October 6. U.S.D.I., O.I.A., General Files, *Washington,* C 1702/1855.

[148]Cain to Manypenny, *loc. cit.*

[149]R. R. Thompson to Palmer, n. d. U.S.D.I., O.I.A., General Files, *Oregon,* P 482/1855.

ren, and four of whom were very old men, were killed. Some of the Indians escaped, and fled to Fort Lane for safety. Captain Smith sent a detachment of dragoons to see what had been done.[150]

As might have been expected, after such a brutal attack, an Indian war broke out immediately. On October 9, the Indians killed one William Guin, a man in the employ of the Rogue River agency, on the Table Rock reserve. They also killed a man at Jewett's Ferry, and fired into a house at Evans' Ferry, wounding one man.[151] Captain Smith, in command at Fort Lane, sent a detachment of fifty-five mounted men, under Major Fitzgerald, to quell the Indians. G. H. Ambrose, the agent for the Rogue River Indians, wrote to Palmer on October 11:

Today a despatch arrived from Major Fitzgerald, who was in pursuit of the Indians. From his statement it appears that all the houses between Mr. Evan's ferry and Jump-off-Jo creek were destroyed by fire. Mrs. Jones escaped wounded, with her little girl, to Mr. Vannoy's. Mrs. Wagoner and little daughter were both burned in their house—probably massacred first. Her husband was away from home at the time. Mrs. Harris escaped. Her husband was killed and her little girl wounded in the arm.[152]

That same day, October 11, Governor George L. Curry issued a proclamation calling for eight companies of mounted volunteers,[153] and four days later, on the 15th, he issued a second proclamation calling for five companies of mounted volunteers to constitute a "Northern Battalion," and four more to constitute a "Southern Battalion."[154]

By this time an utterly ruthless guerrilla warfare was being carried on. All through southern Oregon miners and settlers

[150]G. H. Ambrose to Palmer, October 9. 34 Cong. 1 sess. vol. 11, (ser. 858), *H. Ex. Doc. 93,* 65-67.

[151]*Ibid.*

[152]*Ibid.,* 67-68.

[153]34 Cong. 1 & 2 sess. vol. 2, (ser. 811), *Sen. Ex. Doc. 1, pt. 2,* 85-86.

[154]*Ibid.,* 86-87.

of the rougher sort made indiscriminate war against all Indians. Extermination was their objective. A series of regulations issued by Joel Palmer on October 13, provided for the concentration of all peaceful Indians living in the Willamette Valley upon temporary reserves.[155] Within a month 334 friendly Indians—almost all Rogue Rivers—had come to Fort Lane for protection.[156] Superintendent Palmer suggested that both the Rogue Rivers and the Umpquas be concentrated upon the Coast reservation.[157] Palmer's sympathy was entirely with the Indians: ". . . The cause of the present difficulty in southern Oregon is wholly to be attributed to the acts of our own people," he wrote to General Wool.[158]

In the meantime, on October 17, the Indians attacked a company of volunteers under Captain W. B. Lewis. A severe fight was kept up all day.[159] On October 28, Major Fitzgerald discovered that a large number of hostile Indians were located in the hills near Grave Creek. On the last day of October he attacked these Indians, with a command consisting of 250 volunteers and 105 regulars. The fight lasted most of the day, and was renewed at sunrise the next morning. The Indians withdrew after about two hours fighting. The whites lost nine men killed and twenty-five wounded.[160]

We must again turn our attention to the course of events in Washington Territory. The failure of Haller, early in October, to chastise the Yakimas, led to renewed fear of Indian war. On the 22nd of that month Acting Governor Mason issued a proclamation calling for four companies of volunteers. On October 30 Major Raines marched for the Yakima country, with a force of both regulars and volunteers, some 700

[155]34 Cong. 1 sess. vol. 11, (ser. 858), *H. Ex. Doc. 93,* 72-73.

[156]Palmer to Manypenny, November 12. *Ibid.,* 85.

[157]*Ibid.* Also Palmer to John E. Wool, November 1. *Ibid.,* 112-113.

[158]Palmer to Wool, November 1. *Loc. cit.*

[159]Bancroft, *op. cit.,* II, 377-378 and 378, *note 22.*

[160]G. H. Ambrose to Palmer, November 4. 34 Cong. 1 sess. vol. 11, (ser. 858), *H. Ex. Doc. 93,* 93-94.

strong. On November 7 he was joined by J. W. Nesmith and four companies of Oregon volunteers. This large force did practically nothing.[161]

By this time trouble was brewing in another quarter. Pio-pio-mox-mox, the head chief of the Walla Wallas, had never been satisfied with the treaty that he had signed in June, 1855. It will be recalled that he told the whites at the Walla Walla Council that he regarded their talk as "partly tending to evil."[162] If his intentions had been pacific in June—which we may regard as highly doubtful—they most certainly were not pacific in October. Nathan Olney, the agent at the Dalles, writing to Palmer from Walla Walla on October 12, stated that:

> The volcano is about ready to brake forth. Something must be done at once. One Thousand Armed men should be sent into the feald at once. A small force will only cause wavering tribes to join in the war. . . .
>
> Thare is a posabilety that I can, if I can se Peupeumoxmox, stop the storm. I shall do my best to do so.[163]

But Pio-pio-mox-mox refused to see Olney. "He says his heart is bad against Gov. Stevens about the way he talked at the Councill. . . . My messenger also informed me that the Indians were danceing the War dance in front of Peupeumoxmox's Lodge. He says that they were danceing around some American Scalps."[164]

Finally, on the evening of December 2, Colonel James K. Kelly left the Umatilla agency with 339 men, en route for Walla Walla. Nathan Olney, who had failed to bring Pio-pio-mox-mox to terms in October, was with the troops. They reached Fort Walla Walla on December 3; the next day they

[161]H. H. Bancroft, *History of Washington,* 114-115.

[162]*Ante,* 108.

[163]U.S.D.I., O.I.A., General Files, *Oregon,* P 482/1855 "A".

[164]Olney to Palmer, October 13. U.S.D.I., O.I.A., General Files, *Oregon,* P 482/1855 "B".

fell in with the Indians, and had a slight skirmish. On the evening of the 5th, Pio-pio-mox-mox and fifty of his men came forward with a white flag, and met the troops. The meeting failed to bring about peace, so Pio-pio-mox-mox and four of his warriors were held as prisoners. The next day (the 6th) peace negotiations were again renewed, and again failed, in spite of the fact that Pio-pio-mox-mox insisted that he wanted peace. Fighting was renewed on the 7th, and continued on the 8th. Towards the evening the chief and his four warriors attempted to escape, and were shot down.[165] They were thereupon scalped, and Pio-pio-mox-mox's ears were cut off and sent to the settlements as a trophy.[166] Whatever may be said of that headstrong savage, nothing can excuse the barbarity with which his lifeless body was treated.

While the events which we have thus far narrated were going forward, Governor Stevens, his secretary, James Doty, and their party, having concluded the Blackfoot Council, were returning to Olympia. They left the council ground at the mouth of the Judith River on October 24, from which they proceeded to Fort Benton. I shall let Governor Stevens describe for us what must have been an intensely dramatic moment:

> I left Fort Benton on the 28th October, and after getting into camp on the Titon, on the 29th, some thirty miles from Fort Benton, my express man, Pearson, reached me, seventeen days from the Dalles, with the alarming information that the Yakimas were in open war; that Major Haller had been defeated and obliged to return to the Dalles; and that there was but little doubt that the Cayuses, Wallah-Wallahs, and Umatillas were hostile. A general Indian war was apprehended. The agent for the Yakimas, Bolon, had been most foully and treacherously killed. . . .[167]

[165]Olney to Palmer, December 8. 34 Cong. 1 sess. vol. 11, (ser. 858), *H. Ex. Doc. 93*, 122.

[166]Palmer to Manypenny, January 8, 1856. *Ibid.*, 99-102.

[167]Stevens to Manypenny, December 22, 1855. U.S.D.I., O.I.A., General Files, *Washington*, M 75/1856.

Governor Stevens acted with his usual promptness. James Doty was sent back to Fort Benton for additional arms and ammunition, while the governor and two men pressed on to Fort Owen. They were there joined by a Nez Percé delegation, returning from the Blackfoot Council. After resting a day they pressed on to Hell Gate, where they awaited the return of Doty. He arrived after an absence of eight days, and the party then followed the Coeur d'Alene trail to the Spokane country. This was a bold and dangerous step. Though the Spokanes, Colvilles, and Coeur d'Alenes had not been reported as openly hostile, yet they were known to be sympathetic with the hostiles, and correspondingly unfriendly to the whites. It would have been just as easy, and much safer, to go to Olympia through the Nez Percé country. But Governor Stevens' purpose is obvious. He wished to meet the tribes whose friendship was questionable, in order, if possible, to strengthen it. This he succeeded in doing. A council was held from December 3 to December 5, to which

> Every chief of the Coeur d'Alenes, Spokanes, and Colvilles came. We were in council parts of three days. They were excited. Their minds were poisoned by all the artful stories and tricks of the hostile tribes. They talked freely; I urged them to talk boldly, saying I would talk friendly and boldly in return. In my address I refuted the thousand lies which had been spread among them; admonished them wherein their duty lay; avowed my determination to protect Indians who were friendly. It seemed to change the whole current of their feelings. They were apparently soothed and satisfied, and they pledged themselves to protect all white men in their country, and to take no part in the war.[168]

A similar council was held on December 12 with the Nez Percés, during the course of which reports arrived of the battle in the Walla Walla Valley and the death of Pio-pio-mox-mox.[169]

[168] Stevens to Manypenny, December 22. *Loc. cit.*

[169] *Ibid.*

Governor Stevens arrived at Olympia on January 19, 1856.[170]

We shall now briefly survey the closing campaigns of the war. Several of the tribes living in the vicinity of Puget Sound—Klikitats, Dwamish, Nisquallies, Niscopes, and Green River Indians—showed marked signs of hostility in October, 1855—the same October that was marked by Haller's Yakima campaign and the Rogue River outbreak. On Sunday, October 28, the Indians attacked the settlements on the White River, killing nine people and wounding one. On November 3, a force of fifty regulars under Lieutenant Slaughter and fifty volunteers under Captain Gilmore Hays met the Indians at the crossing of the White River. A six-hour battle resulted, during which some thirty Indians were killed. One soldier was killed and one wounded. On December 4, Slaughter was killed while sitting by a fire near the door of a cabin at the junction of the White and Green rivers. After which feat the Indians kept up a "continuous firing for three hours, killing two non-commissioned officers, and wounding six others, one mortally. Nothing that had occurred during the war cast a greater gloom over the community than the death of the gallant Slaughter."[171]

By December the inhabitants of Seattle were decidedly uneasy. Leschi, a hostile Nisqually chief, was believed to be tampering with the friendly Indians in the vicinity of that community. Jim, a friendly young Dwamish, informed Captain Gansevoort of the U. S. S. *Decatur,* that the Indians from the east of the Coast mountains, under Owhi, had united with those on the west side under Coquilton, with the intention of attacking Seattle; "after destroying which they expected to make easy work of the other settlements." Affairs reached a crisis by January 25, 1856. About one thousand warriors were in the hills behind Seattle; Curley, a hostile Dwamish chief,

[170]Stevens, *op. cit.,* II, 154.

[171]H. H. Bancroft, *History of Washington,* 123.

had established his camp northwest of the town; and Tecumseh, a chief from the lake district east of Seattle, was encamped south of the town.[172] During the night of the 25th the hostiles held a conference at Curley's camp, at which Jim, posing as an enemy, was present. The conference over, Jim promptly took the decision of the Indians—which was to attack the town at ten o'clock on the morning of the 26th—to Captain Gansevoort. When ten o'clock came the Indians found the settlers and the soldiers much more ready to receive them than they had expected. At the first charge the houses on the outskirts of the town were set on fire; but few lives were lost, as the long-range guns of the *Decatur* drove the Indians off to a respectable distance. About noon there was a lull, during which the women and children were removed from the blockhouses to the boats in the harbor, and an attempt was made to save the more valuable property. Seeing this, a large number of Indians under Coquilton charged the town, but were withstood by fourteen marines. Towards evening the Indians tried to set fire to what was left of the town, but were driven off by shells from the *Decatur's* guns. The Indians had had enough; they left during the night.[173]

So we could go on, and give a history of many hostile acts and engagements. On the night of February 22, 1856, the Rogue River Indians attacked a camp at the big bend of the Rogue River, killing, among others, Ben Wright, the Indian agent, and Captain Poland.[174] A little over a month later, on March 26, the Indians attacked the Cascades.[175] The war was, in fact, rapidly coming to an end. Thus on June 2, 1856,

[172]See map in *ibid.*, 127.

[173]*Ibid.*, 125-133.

[174]R. W. Dunbar to Palmer, February 24, 1856. 34 Cong. 3 sess. vol. 2, (ser. 875), *Sen. Ex. Doc. 5, pt. 1*, 752-753.

[175]R. R. Thompson to Palmer, March 27. *Ibid.*, 760-761. Same to same, March 31. *Ibid.*, 761-762. G. Wright to D. R. Jones, April 4. U.S.D.W., A.G.O., *Old Records Division, Headquarters Army*, W 39/1858, enclosure 1. Same to same, April 5. *Ibid.*, enclosure 2.

Colonel Silas Casey was able to write to General Wool, from Steilacoom, that "There are but few hostile Indians in this district at present and the war is certainly finished."[176]

On June 21, Superintendent Palmer left Port Orford with 600 friendly Rogue River Indians, on the steamer *Columbia,* en route for the Coast reservation.[177] This left some 600 Indians at Port Orford, and 250 more at the mouth of the Rogue River; all of whom had unconditionally surrendered, and were being held by Colonel Buchanan as prisoners of war. "They will be escorted to the southern part of the coast reservation by United States Troops," reported Palmer to Manypenny on June 23.[178] Thus Palmer's ideal—the concentration of the various bands of Rogue River and Umpqua Indians upon the Coast reservation[179]—at last materialized. Its materialization meant the close of the war in Oregon.[180]

Superintendent Palmer was relieved of his duties on August 16, 1856, by A. F. Hedges.[181] Mr. Hedges held the Oregon superintendency but a short time. On December 19, he sent in his resignation, "on account of ill health."[182] He might have been an excellent superintendent, had his health permitted, for he expressed his earnest desire to make the reservations self-supporting.[183] He also thoroughly believed in the importance of reservation schools—preferring, however, boarding and manual labor rather than regular day schools.

[176]U.S.D.W., A.G.O., *Old Files Section,* 185 P/1856, enclosure 2.

[177]Robt. C. Buchanan to D. R. Jones, June 24, 1856. *Loc. cit.,* 185 P/1856, enclosure 1.

[178]34 Cong. 3 sess. vol. 2, (ser. 875), *Sen. Ex. Doc. 5, pt. 1,* 762-763.

[179]*Ante,* 120.

[180]On July 8, 1856, Col. Robt. C. Buchanan wrote to Palmer: "You will be happy to learn that the war is closed by the surrender of Old John and all his people on the 29th ult." U.S.D.I., O.I.A., General Files, *Oregon,* P 194/1856.

[181]Hedges to Manypenny, August 22, 1856. U.S.D.I., O.I.A., General Files, *Oregon,* H 276/1856.

[182]Hedges to Manypenny. U.S.D.I., O.I.A., General Files, *Oregon,* H 468/1857.

[183]Same to same, March 17, 1857. *Ibid.,* H 607/1857.

"The most effectual method to civilize and improve the condition of our Indians," wrote Hedges to Manypenny on March 23, 1857, "is to mould the character and habits of the children, and to do this we must have them as much as possible under our own control, which can be effected more completely by a boarding and manual labor school, I think, than by any other means."[184]

One regrets that the short administration of Mr. Hedges precludes any detailed treatment of an interesting man and his policy.

By a law of March 3, 1857,[185] the old Oregon and Washington superintendencies were abolished, and a new superintendency, the Oregon and Washington, was created. James W. Nesmith was appointed thereto on March 18, 1857,[186] and accepted the post on May 5.[187] A. F. Hedges turned over the books and papers belonging to the Oregon superintendency on May 1[188]—a month later Isaac I. Stevens did likewise for the Washington superintendency.[189]

For a while things went along peacefully. Then, in May, 1858, there came the threat of a general Indian war. The Spokanes, Palouses, Cayuses, Coeur d'Alenes, and Yakimas were said to be hostile. Colonel E. J. Steptoe led an expedition into the Spokane country, intending to go on from there to Colville. Steptoe's intentions were peaceful; but the Indians were hostile. On May 16, 1,200 Indians—Spokanes, Coeur d'Alenes, and Yakimas—met the expedition near the Spokane River. A conference was held with the chiefs. They pro-

[184]*Ibid.*, H 608/1857.

[185]11 *U. S. S. L.*, 185.

[186]Manypenny to Nesmith. U.S.D.I., O.I.A., *Letter Book No. 56*, 275-276.

[187]Nesmith to Manypenny. U.S.D.I., O.I.A., General Files, *Oregon and Washington*, N 271/1857. This letter should have been addressed to J. W. Denver, who became Commissioner of Indian Affairs on April 17, 1857. The news had not reached Oregon by May 5.

[188]*Ibid.*

[189]Nesmith to Denver, June 2, 1857. U.S.D.I., O.I.A., General Files, *Oregon and Washington*, N 283/1857.

fessed themselves satisfied with Colonel Steptoe's pacific intentions; but refused to allow him to have canoes with which to cross the Spokane River. So, on the morning of May 17, the return march was commenced; but the Colonel and his command had not gone three miles before the rear guard was sharply attacked by the Indians. The troops were defeated, losing five men killed, two mortally wounded, thirteen wounded, and one missing.[190] Relatively slight hostilities continued through the summer, but fortunately they were confined to the tribes east of the Cascade Mountains in Washington Territory.[191] On September 1, Colonel George Wright had a rather sharp battle in the Spokane country, in which seventeen Indians were reported killed, with no loss to the whites.[192] But by January, 1859, peace reigned once more over the Oregon and Washington superintendency.[193]

Edward R. Geary was appointed to the Oregon and Washington superintendency on April 2, 1859,[194] and entered upon his duties in June.[195] The Indians, with the exception of the Shoshone, or Snakes, were peaceful. But the latter were treacherous and predatory, a constant menace to the immigrants and also to the Indians upon the Warm Springs reservation.[196] In his annual report, dated from Portland, September 1, 1859, Superintendent Geary made some interesting remarks, after which he outlined his policy:[197]

With the exception of the rude and predatory bands of the Shoshones or Snake Indians, inhabiting a vast and but partially

[190]E. J. Steptoe to W. W. Mackall, May 23, 1858. U.S.D.W., A.G.O., *Old Files Section,* 165 P/1858, enclosure 3.

[191]Nesmith to C. E. Mix, September 6, 1858. U.S.D.I., O.I.A., General Files, *Oregon and Washington,* N 534/1858.

[192]Same to same, September 30, 1858. *Ibid.,* N 542/1858.

[193]Nesmith to J. W. Denver, January 17, 1859. *Ibid.,* N 608/1859.

[194]C. E. Mix to Geary. U.S.D.I., O.I.A., *Letter Book No. 60,* 401-402.

[195]Geary to Mix, June 1, 1859. U.S.D.I., O.I.A., General Files, *Oregon and Washington,* G 2/1859.

[196]Geary to A. B. Greenwood, August 19, 1859. *Ibid.,* G 38/1859.

[197]36 Cong. 1 sess. vol. 1, (ser. 1023), *Sen. Ex. Doc. 2, pt. 1,* 750-760.

explored region in the southeastern portion, the Indians in this superintendency may be regarded as maintaining peaceful relations with the United States. . . .

As a means of mutual safety to the races, and for preventing the horrors of savage warfare, no scheme commends itself so strongly as that, now become the policy of the government—the collection of the Indians on properly located reservations.

He then goes on to outline a five-point policy for the reservation Indians.

1. Land should be assigned to individuals, so that each Indian could have a fixed home, and an individual right in the soil.
2. Indians should be compelled to perform regular labor for their own support.
3. The agent should be permitted to find homes in suitable white families for neglected Indian orphans.
4. Industrial boarding schools should be established, "where habits of cleanliness, punctuality, and order should be carefully cultivated."
5. Only men "of pure morals and correct deportment" should be employed on reservations.

Such was the program laid down by Geary. But Congress, having, it will be recalled, ratified the treaties made during the summer of 1855 on March 8, 1859,[198] neglected to make any appropriations to carry them into effect until the passage of the Indian appropriation bill of June 19, 1860. That bill provided:

For surveys of reservations for the Nez Perces, Flathead, and Yakima Indians, and the Indians west of the Cascade Mountains, fifteen thousand dollars.[199]

The annuities stipulated according to the terms of the treaties of 1855 were also provided for by the law of June 19, 1860. Thus, after waiting a year, Geary found himself in a position to begin operations upon his five-point plan. I shall summarize the condition of the reservations in 1860; using

[198] *Ante,* 115.
[199] 12 *U. S. S. L.,* 58.

Superintendent Geary's report for that year[200] as the basis of my work.

1. The Coast or Siletz reservation contained about 3,000 Indians. Many of these had been placed upon the reserve by order of former Superintendent Palmer, in 1855 and 1856, during the Indian wars. The crops on the reservation were usually very good. But the appropriations were inadequate (as usual), so Geary authorized his agents "to make purchases adequate to meet their emergent necessities."

2. Warm Springs reservation. Intended for the Indians of middle Oregon, parties to the treaty of June 25, 1855. Though the treaty was not ratified until 1859, the territory in question had been used as a reservation since 1856. "Under the supervision of Colonel Dennison, the agent, extensive farms have been opened . . . and many of the Indians induced to cultivate the soil."

3. Umatilla reservation. Contained 800 square miles, and was inhabited by 3000 Cayuse and Umatilla Indians. A sufficient quantity of land was fitted for agriculture to render the reservation self-sustaining. The reservation was near the settlements, and extra precautions had to be taken accordingly, to prevent drunkenness, illicit trading, and fighting.

4. The Nez Percé reservation was the richest of all in water, land, and timber. The Indians upon it were progressive and consistently friendly to the United States.

5. The Yakima reservation. 800 square miles, a good portion of which was in the rich Simcoe Valley, especially suited to pasture land. The reservation was the most isolated of all.

6. Squaxon, Puyallup, and Nisqually reservations. The Indians on these small reserves showed a marked improvement. Many of them had "comfortable houses, and their farms and fisheries afford them ample subsistence."

Such was the status of the Oregon and Washington reservation Indians in the fall of 1860.

[200]Report dated October 1, 1860. 36 Cong. 2 sess. vol. 1, (ser. 1078), *Sen. Ex. Doc. 1, pt. 1,* 395-410.

V

INDIAN AFFAIRS IN UTAH 1849-1860

THE Indian situation in Utah was greatly complicated by the quarrels and the distrust that unfortunately constituted the normal relations between Mormons and non-Mormons. Both parties were no doubt at fault; both certainly helped to make the Indian service in Utah a degree more inefficient than it was anywhere else in the United States.

In the mid-nineteenth century Utah was inhabited by various bands of Ute and Shoshone or Snake Indians. The Mormons arrived in the valley of the Great Salt Lake in 1847, and promptly proceeded to settle therein, building their homes and cultivating their farms in a far more efficient manner than was the case with most frontier communities.

About two years after the original Mormon settlement, or, to be exact, on April 7, 1849, John Wilson was appointed to the Indian agency "at Salt Lake, California," at a salary of $1,500 per year.[1] He arrived upon the scene of his duties late that summer. Writing to Thomas Ewing on August 22, 1849, from Fort Bridger, Wilson pointed out the fact that "The Mormon settlement in the Salt Lake valley has not only greatly diminished their [i.e., the Indians'] formerly very great resource of obtaining fish out of Utah lake and its sources, . . . but their [i.e., the Mormons'] settlement, with the great emigration there and to California, has already nearly driven away all the game."[2] So far, Wilson certainly appears to have understood the situation; but he was power-

[1]William Medill to John Wilson, April 7, 1849. 31 Cong. 1 sess. vol. 5, (ser. 573), *H. Ex. Doc. 17,* 182-184.

[2]*Ibid.,* 184-187.

less—no appropriation for the Indian service in Utah having been made. A little later, on September 4, he again wrote to Secretary Ewing,[3] this time outlining a number of very definite proposals:

> Under the present statute policy of the government, it will unquestionably become its duty, at as early a day as possible, to extinguish by treaty their [i.e., the Indians'] title to this [the Great Salt Lake] and the Cache valleys and the adjacent country, and a portion near Fort Hall, and at least negotiate for a highway through their country to this valley and Fort Hall, and, I think, to the country about Fort Bridger, where, in my opinion, without delay, there ought to be established a military post. In a very short time (next year) all the emigration to . . . Oregon [and] California . . . will pass that place. . . .

It was further recommended that the valleys of the Green, Yampa, and White rivers—that is, the present northeastern section of Utah—be set apart for the Indians. While there was undoubtedly some land suitable for pasturage and for farming in the region in question, it was, in the main, "not desirable for settlements for white people, and perhaps better fitted than any other portion of the United States, now to be had, for the settlement and collocation of a large number of the original inhabitants of the wilderness." This type of argument always impresses one with its utter falsity. It is based upon the assumption that the land which was too poor for white men to farm or to raise stock upon was good enough for red men. Time after time we come across this argument in one form or another; time after time its falsity is demonstrated by the fact that the whites always found more Indians than they wanted in fertile regions, (for example, the Great Valley of California, or the Willamette Valley in Oregon) and very few Indians in the hopelessly sterile and remote wildernesses to which both official and private philanthropy desired to relegate the aboriginal Americans.

[3] *Ibid.*, 104-112.

Having thus outlined his plan for sending the Indians to a wilderness, which even today is penetrated by only one railroad,[4] Wilson added:

> There is no employment like that of agriculture, which ties them to a local spot of land, to cultivate the feelings of virtue and social intercourse (!), which are essential ingredients of civilization even in a savage.

Thus concludes Wilson's plan for civilizing the Indians by "extinguishing" their title to all the good land that they possessed, and sending them beyond the ken of man. Perhaps the plan was honestly well-intentioned—in any event it was never put into operation.

Three months after Wilson had propounded his ideas, a much more capable man—James S. Calhoun, the superintendent of Indian affairs in New Mexico—negotiated the first treaty with the Ute Indians.[5] Neither land cessions nor reservations were provided for by this treaty. Its provisions may be summarized as follows:

I. Utah Indians acknowledge themselves under the jurisdiction of the United States.

II. "From and after the signing of this treaty, hostilities between the contracting parties shall cease, and perpetual peace and amity shall exist. . . . "

III. "All American and Mexican captives, and others, taken from persons or powers at peace with the said States shall be restored and delivered by said Utahs to an authorized officer or agent of said States, at Abiquin, on or before the first day of March, in the year of our Lord one thousand eight hundred and fifty." Stolen property was to be returned in a like manner.

IV. Laws now in force regulating trade and peace with the Indians to be extended over the Utahs.

V. "The people of the United States, and all others in amity with the United States, shall have free passage through the territory of the said Utahs. . . . "

[4]The Denver and Rio Grande Western.

[5]C. J. Kappler, ed., *Indian Affairs: Laws and Treaties,* II, 434-435.

VI. " . . . The Government of the United States will establish such military posts and agencies, and authorize such trading houses, at such time and in such places as the said Government may designate."

VII. The United States to "designate, settle, and adjust" the territorial boundaries of the Utahs.

VIII. " . . . The Government of the United States will grant to said Indians such donations, presents, and implements . . . as said Government may deem meet and proper."

IX. "This treaty shall be binding upon the contracting parties from and after the signing of the same. . . . "

This treaty, negotiated on December 30, 1849 and ratified on September 9, 1850, was the only formal one made with the Ute Indians during the period covered by this thesis. An appropriation of $18,000, for fulfilling the terms of this treaty, was granted by a law of February 27, 1851.[6]

On September 9, 1850, the Utah Territorial Act[7] was approved. According to the terms thereof, the territorial governor was also ex-officio superintendent of Indian affairs, for which he received $1,000 per year over and above governor's pay. Brigham Young received the appointment. No Indian agents were provided for the new territory until the following year. An act of February 27, 1851, provided for the appointment of an agent for the Indians in Utah, said agent to receive a salary of $1,550 per year.[8] The Intercourse Law was extended over Utah by the same act.

In pursuance of the above act, Jacob H. Holeman was appointed to the Utah agency. At the same time Henry R. Day and Stephen B. Rose—the latter a Mormon—received appointments as sub-agents. On July 2, 1851, Governor Young ordered the territory divided into three districts: (1) the Pauvan district, to include the territory west of the Shoshones and north of the southern line of the Pauvan Valley; (2) the

[6] 9 *U. S. S. L.*, 572.
[7] 9 *U. S. S. L.*, 453-458.
[8] 9 *U. S. S. L.*, 587.

Unitah district, to include the Shoshones, the Unitah and Yampa, and all other tribes south thereof within the territory and east of the eastern rim of the Great Basin; and (3) the Parowan district, to include all the country lying west of the eastern rim of the Great Basin, and south of the southern line of the Pauvan Valley, to the western boundary of the territory.[9] Day arrived in Salt Lake City on July 19, 1851, and was assigned to the Pauvan district.[10] Holeman arrived on August 9,[11] and was assigned to the Parowan district, leaving the Unitah for Rose.

Several matters required attention at this time. To begin with, a great council of the Indians within the Central superintendency had been called, to meet at Fort Laramie in September, 1851. The authorities in Washington, as well as Governor Young, seem to have wished the Shoshones and Utes to be represented there. Agent Holeman held a talk with the former, at their village on the Sweetwater River, on August 21; at which time they selected sixty of their headmen to represent and to act for the tribe at the forthcoming council. On September 1, Holeman and the Shoshone delegation arrived at the council ground at Fort Laramie. If they expected to become signatory to the Laramie Treaty, they were disappointed. Colonel D. D. Mitchell, the superintendent of the Central superintendency, "expressed much gratification at their [i.e., the Shoshones] being here," but he so construed his powers as to exclude from the treaty all Indians not properly belonging to his superintendency. They were, however, given presents the same as the rest of the Indians.[12]

[9]L. H. Creer, *Utah and the Nation,* 168. University of Washington, *Publications in the Social Sciences,* vol. 7. Seattle, 1929.

[10]Day to Luke Lea, January 2, 1852. 35 Cong. 1 sess. vol. 10, (ser. 956), *H. Ex. Doc. 71,* 130.

[11]Holeman to Lea, September 21, 1851. 32 Cong. 1 sess. vol. 2, pt. 3, (ser. 636), *H. Ex. Doc. 2,* 444.

[12]Holeman to Lea, September 21, 1851. *Loc. cit.,* 445.

Day attempted to persuade the Utes to send a delegation to the Laramie Council, but in this he failed. Only four Indians appeared willing to go. As the Utes could not be properly represented by so small a delegation, neither Day nor the four Indians went to the council. "The reasons given me by Sow-er-ette, Walker, and the other chiefs, why they did not come in and go down was that they believed it to be a trap set by the Mormons to kill them," wrote Day to Luke Lea on January 2, 1852.[13] So far as I can see, this reason had no foundation in fact.

In any event, there were other things than the Laramie Council to keep Day busy. The Shoshones and the Utes were at war most of the time. During September, 1851, Day labored to bring about a meeting between representative chiefs of the two tribes, in order to establish peace. In this he succeeded. On October 1, Cut-nose, a Shoshone chief, and Sow-er-ette, with some of his Ute warriors, met Day at Fort Bridger.

> After a council of several hours, during which time they recounted their alleged causes of quarrel, I told them their Great Father wished them to be at peace with all the different nations of Indians and with the whites, and that they must not steal; which, after smoking the calumet of peace again, they all clasped hands and agreed to.[14]

So far Indian affairs in Utah seem to have gone along fairly well—as well, perhaps, as anywhere else. But the Indians seem to have lived under a constant fear of Mormon aggression, and encroachment upon their lands. Nor were they without reason for such fears. In that same letter of September 21, 1851, to Lea, which we have already cited in another connection, Holeman said:

> I found much excitement among the Indians, in consequence of the whites settling and taking possession of their country, driving

[13]35 Cong. 1 sess. vol. 10, (ser. 956), *H. Ex. Doc. 71,* 132.

[14]Day to Lea, January 2, 1852. *Loc. cit.,* 131.

off and killing their game, and in some instances driving off the Indians themselves.

The greatest complaint on this score is against the Mormons; they seem not to be satisfied with taking possession of the valley of the Great Salt lake, but are making arrangements to settle other, and principally the rich valleys and best lands in the territory.[15]

All of which was no doubt true; but that "the greatest complaint" was made against the Mormons is a fact of no special significance—they were in the majority in Utah, and undoubtedly did occupy a large portion of the land, and that, more often than not, without first obtaining the assent of the Indians. I doubt, however, whether they were any more rapacious than the average American frontiersmen. They were, perhaps, thanks to their political and religious unity, more efficient, and hence more ruthless than the average individualistic frontiersmen. In any event, they were complained against time after time, by Indians and by non-Mormons. The Indians

are becoming very much excited by the encroachments of the Mormons, who are making settlements throughout the Territory, on all the most valuable lands—extending these settlements for three hundred miles south from this city, and north to Mary's river and Carson valley. In the first settlement of this city, and the adjoining country by the Mormons, they at first conciliated the Indians by kind treatment, but when they once got foothold, they began to force their way, the consequence was a war with the Indians, and in many instances, a most brutal butchery of the Indians. This, they fear, will again be the result wherever the Mormons may make a settlement.[16]

Once again we have a clear statement of facts, which cannot be denied. Once again we feel the power and the efficiency of the Mormon organization. But we must remember that the

[15]32 Cong. 1 sess. vol. 2, pt. 3, (ser. 636), *H. Ex. Doc. 2,* 445.

[16]Holeman to Lea, March 29, 1852. U.S.D.I., O.I.A., General Files, *Utah,* H 79/1852.

crimes perpetrated by the Mormons against the Indians of Utah, while undoubtedly ruthless and cruel, were certainly no more so than the Moravian massacre of 1782. Whatever the facts may have been—and they are at times quite difficult to ascertain—it is certain that prejudice, either in favor of or against the Mormons, is an ever-present factor, complicating greatly any study of Utah Indian affairs.

Henry R. Day was strongly anti-Mormon from the beginning. He might easily have made an excellent Indian agent—we have noted his services in bringing about peace between the Shoshones and the Utes—but he allowed himself to become involved in the quarrel between Governor Young and Judge Perry E. Brocchus. When the latter, along with Chief Justice L. C. Brandebury and B. D. Harris, the secretary of the territory, saw fit to leave Utah, on September 28, 1851, Day returned east with them.[17] They arrived in Washington in December. On January 9, 1852, Day wrote to Luke Lea, stating his reasons for leaving Utah:

> I found it impossible with due respect to myself and the Government of the United States, to perform my duties in consequence of the open hostility manifested publicly and privately by the Governor and the Mormon Community to the Government of the United States and its officers sent out to Utah Territory.[18]

On February 19, Day turned in a formal resignation.[19] He would, perhaps, have been more wise had he remained at his post until he was recalled. The quarrel between Governor Young and the judiciary need not have involved him at all.

Whatever may be said with regard to Day, there seems no reason to doubt that there were, at this time, very unfriendly feelings between Mormon and non-Mormon officials. This was due, at least in part, to a growing desire, on the part of the

[17]Creer, *op. cit.*, 101.
[18]U.S.D.I., O.I.A., General Files, *Utah*, D 2/1852.
[19]*Ibid.*, D 24/1852.

Mormons, to control the situation in Utah. Let us note Agent Holeman's reaction, keeping in mind that he also was anti-Mormon. In a letter to Lea, dated December 28, 1851, he said:

> I take this opportunity of again stating to you, as my fixed opinion, that with Governor Young at the head of the Indian Department in this Territory, it cannot be conducted in such a manner as to meet the views of, or do justice to, the Government. He has been so much in the habit of exercising his will, which is supreme here, that no one will dare to oppose anything he may say or do.[20]

Affairs did not improve any during 1852. "The Superintendent and sub-agent Rose [who, it will be remembered, was a Mormon] seem disposed to conceal their movements from me—they never consult with me, or pay any attention to my opinions," wrote Holeman on February 29, 1852.[21] A month later he complained:

> I could give you thousands of circumstances, tending to show their [i.e., the Mormons'] deadly hostility to the Government, and their determination to resist her authority, in all matters which conflict with their notions and church regulations. They say that *"God and the Governor commands,"* and they obey no one else.[22]

By May 8, we find Holeman threatening to resign:

> I have no idea, that with Governor Young at the head of the Indian department, that I shall be able to do anything that can be of service to the Government or to the Indians, or creditable to myself. Therefore, if Gov. Young is continued as Superintendent, I had as well leave.[23]

So I could go on, endlessly multiplying examples of prejudicial letters. To do so, however, would be both tedious and useless. I do not deny that the letters from which I have quoted are

[20] *Ibid.*, H 43/1852.
[21] *Ibid.*, H 44/1852.
[22] *Ibid.*, H 79/1852.
[23] *Ibid.*, H 125/1852.

prejudiced—*all* letters that I have seen upon this subject are prejudiced—but I also think that it is fairly obvious that Governor Young, being the head of both Church and State in Utah, tended to rule in an autocratic manner; and, quite naturally, showed more favor to his Mormon coreligionists than to outsiders.

The Mormons were not Holeman's only cause of complaint. All through 1852 a number of lawless whites caused friction and trouble with the Indians. In his letter of May 8, to Lea, which we have already cited, Holeman said:

> The *white* Indians, I apprehend, are much more dangerous than the *red*. The renegades, deserters, and thieves who have had to fly from justice in California, have taken refuge in the Mountains [of Utah]—and having associated themselves with the Indians, are more savage than the Indians themselves—by their cruelty to the whites, they have stimulated the Indians to acts of barbarity which they were never known to be guilty of before.[24]

As summer approached, the emigrant road from Salt Lake City west through the Humboldt Valley (now in Nevada) became the scene of numerous Indian depredations. Accompanied by twenty-five men, Agent Holeman left Salt Lake City on May 13, 1852, for the Carson Valley (at the extreme western boundary of the Utah superintendency—now in Nevada). He gave such aid and comfort to travel-weary men and women as was in his power; and attempted to persuade both the whites and the Indians not to commit depredations. "Scarcely a day passes, but we hear of some depredations, either of the whites or the Indians," was the sad note of a letter written from Carson Valley, on June 28, to Luke Lea.[25] In that same letter Holeman roundly condemns the whites:

> It is my painful duty to report to you, that from all the information I can get, from whites and Indians, the great, almost the sole cause of all the difficulties—the destruction of life and prop-

[24] *Ibid.*

[25] *Ibid.*, H 133/1852.

erty on this route, is owing to the bad conduct of the whites, who were the first to commence it—and in many instances the whites are the sole depredators, yet they manage to have it charged to the Indians.

Holeman's trip along the Humboldt to Carson Valley was not, however, without a certain degree of success. The Indians doubted the sincerity of the whites—with excellent cause, if we may rely upon Holeman's letters—but they "seemed friendly disposed and expressed an anxiety to be on friendly terms with the whites."[26] After his return to Salt Lake City, Holeman wrote to Lea:

> At present there is no difficulty on the road, so far as the Indians are concerned, but I fear the conduct of the whites may excite the Indians and cause another outbreak. I had great difficulty in restraining the whites while there [i.e., in Carson Valley]. I should have remained there, until the emigrants had ceased passing, but the expense of living in that country is so great. . . .[27]

Holeman's success would no doubt have been greater had he been authorized to negotiate treaties; or had the funds been adequate to meet his needs. Time after time he asked for instructions in regard to the negotiations of treaties,[28] but the necessary authority was not given.

The year 1853 was marked by serious trouble—the Walker War and the Gunnison massacre. The former was a small affair, when compared with the Rogue River War or with some of the Sioux troubles; but it was serious enough to cause considerable anxiety throughout Utah. The basic *casus belli* seems to have been the entirely justifiable opposition of the Mormon authorities to the sale of Indian women and children to Mexicans by the Ute Indians—Chief Walker's band being

[26] *Ibid.*

[27] August 30, 1852. *Ibid.*, H 152/1852.

[28] See especially Holeman to Brigham Young, December 31, 1851. *Ibid.*, U 6/1852. Holeman to Lea, March 29, 1852. *Ibid.*, H 79/1852.

among those guilty of this traffic. On March 7, 1852, the territorial legislature passed an act "legalizing the enforced apprenticeship of Indian children, but only for the purpose of inducing the brethren to purchase those who would otherwise have been sold to the Mexicans or abandoned by their parents."[29] That same spring some Mexicans were arrested in Salt Lake City for trading in Indian children within Utah Territory. A squaw and eight children were set free by the courts. This opposition to their traffic, on the part of the Mormons, embittered both the Mexicans and Walker. In the spring of 1853 they again trafficked in Indian women and children,

> With the addition, that arms and ammunition were liberally distributed among the Indians by the Spaniards. The authorities undertook to arrest this trade, when they were met by Walker, the chief, and his band of Utah Indians, who justified and defended the Spaniards, and threatened to kill every white man, if they again interfered.[30]

One sees herein the makings of a first-rate quarrel. The first act of hostility came on the forenoon of July 17, 1853. A squaw came to the cabin of a Mormon woman, named Ivie. The squaw presented three trout to Mrs. Ivie, and was given three pints of flour in return. At this moment the squaw's husband appeared, and showed his dissatisfaction with the bargain that his wife had made by proceeding to beat her. Mrs. Ivie ran for her husband, who came back to the cabin with her, and made the mistake of trying to stop the Indian from beating his squaw.

Ivie attempted to push the Indian out of the cabin but as he did so the savage grabbed his gun and attempted to shoot him. The latter got hold of the muzzle and in the struggle the gun

[29]H. H. Bancroft, *History of Utah*, 475.

[30]Holeman to Lea, April 29, 1853. U.S.D.I., O.I.A., General Files, *Utah*, H 233/1853.

was broken, the Indian retaining the stock and Ivie the barrel. Although the gun broke, Ivie dealt the Indian a hard blow on the head and the savage fell to the floor, apparently dead, but he did not expire until some hours later. A second Indian, who came to the cabin at the same time as his companion, drew his bow and arrow and shot Ivie, the arrow piercing through the shoulder of Ivie's buckskin hunting shirt. At this, Ivie struck the Indian a violent blow and he fell unconscious by the side of his prostrate companion. Just as Ivie felled the second Indian, the squaw, whom he had been trying to protect, struck him with a piece of wood, cutting an ugly gash in his face. Ivie again used the gun barrel to defend himself and struck the squaw who fell unconscious by the side of the bodies of the other Indians.[31]

This sounds like a little war in itself. In any event, it was the beginning of a period of hostilities between the whites and Walker's band of Utes that lasted until it was stopped by the winter.[32] No serious battles occurred: some dozen Mormons were killed during the course of the war; and about $200,000 were expended in building forts and removing settlements to places of safety.[33] In the spring of 1854, Walker told Agent E. A. Bedell[34] that he desired peace.[35] It was not until May, however, that peace was formally agreed to—and then only when Brigham Young and a number of influential members of the Mormon community visited Chief Walker's camp and personally arranged the terms.[36]

We now come to the Gunnison massacre. During the summer and autumn of 1853, while Walker's band of Utes were manifesting their hostility, the Pah-vants remained at peace with the whites.

[31]Creer, *op. cit.*, 176.

[32]Brigham Young to G. W. Manypenny, December 31, 1853. U.S.D.I., O.I.A., General Files, *Utah,* U 28/1854.

[33]Bancroft, *op. cit.*, 474.

[34]Agent Jacob Holeman left Salt Lake City on July 1, 1853. His place was taken by E. A. Bedell, who arrived on July 15. See Bedell to Manypenny, August 30, 1853. U.S.D.I., O.I.A., General Files, *Utah,* B 280/1853.

[35]Bedell to Brigham Young, April 6, 1854. *Ibid.,* U 31/1854.

[36]Creer, *op. cit.*, 178-180.

About the 25th of September, a party of emigrants, under the command of a man named Hillsworth, and on their way from the States to California, passed through Fillmore City, manifesting very hostile feelings towards all Indians. They were informed by the leading men of that City that the Pah-van-tes who live in that region were friendly, and had nothing to do with Indian Walker, and his depredations, and were requested to treat them kindly. They encamped on Meadow Creek, eight miles south of Fillmore, and a few friendly Indians visited their camp to ask for bread, and any spare articles of clothing, when they foolishly raised a fuss with the Indians, and fired upon them, killing one, wounding two, and took away some guns and one horse.[37]

Most of the fellow tribesmen of the murdered Indian showed no desire to take revenge upon whites innocent of the crime. Not so his three sons: they proved absolutely implacable, and remained "very angry." No doubt they won others over to their way of thinking.

In the latter part of October, Captain J. W. Gunnison, who was in charge of a small party of men engaged in surveying a prospective railroad route, reached the Sevier Valley. The surveying party was escorted by a few mounted riflemen under Captain R. M. Morris. On October 23, Gunnison went to Fillmore, where he "was fully informed of the Meadow Creek Indian affair, and the then hostile feelings of the three sons."[38] On the following day he and his party encamped on the Sevier River, some fifteen miles north of Sevier Lake. On the 25th Gunnison set out to explore the lake, taking with him R. H. Kern, as topographer; F. Creutzfeldt, a botanist, as guide; and a corporal with six men of the escort, "the remainder of the party, under Morris, proceeding up the river in a north-easterly direction."[39] On the 26th, the corporal who had gone with Gunnison's party the day before, came running

[37]From account of Brigham Young, dated November 30, 1853. U.S.D.I., O.I.A., General Files, *Utah,* U 30/1854.

[38]*Ibid.*

[39]Bancroft, *op. cit.,* 468.

to Morris's camp with the news that Captain Gunnison and all of his party, himself excepted, had been massacred by Pah-vant Indians.[40] Morris, with a part of his command, promptly visited the scene of the massacre; but, as they had no tools for the purpose, they left the bodies unburied. On the 28th Morris reported the matter at Fillmore.

News of the tragedy reached Governor Young, in Salt Lake City, at 6 P.M. on the 31st. At 1.30 A.M. on November 1, Dimick B. Huntington, Agent Bedell's interpreter, left the governor's office. On the evening of the 2nd, he met Captain Morris ninety-three miles south of Salt Lake City, having gone that distance, on horseback, within less than twenty-four hours. Captain Morris was en route for Salt Lake City, but he kindly detached one of his men who had escaped from the massacre, "to act as pilot in designating the localities of the bodies of the slain." Thus accompanied, Huntington arrived in Fillmore on the evening of November 3,

> . . . And immediately proceeded to carry out his instructions by gathering that portion of the lost property brought in by friendly Indians, embracing all the Note books, and all the instruments except the Odometer and on the 4th dispatched Mr. Call with two friendly Indians and nine men, including the man from Captain Morris' party, to bring in the remains of Capt. Gunnison and Mr. Potter & bury the rest on the spot.

On the 6th Call and his party reached the scene of the massacre, and buried what the wolves had left. "A part of one thigh bone, and a small lock of hair were all of the remains of Capt. G. that the most rigid search could detect." The lock of hair was sent by Brigham Young to the late captain's wife.[41]

[40]Events proved that Captain Gunnison and seven of his men were killed: four escaped. Bancroft, *op. cit.*, 468-469.

[41]Quotations given in the latter part of my account of the Gunnison massacre based on Young's account. U.S.D.I., O.I.A., General Files, *Utah*, U 30/1854.

Thus the curtain fell upon one of those dark tragedies that were all too frequent in pioneer days.

Let us now turn to a more cheerful subject: the agency of Garland Hurt, with special reference to the system of Indian farms. Dr. Hurt was appointed to the Utah agency on August 16, 1854,[42] and accepted the position on September 7.[43] He arrived at Salt Lake City on February 5, 1855.[44]

Soon after his arrival, Hurt learned that the Utahs and the Pah-vants "were in a very unsettled and dubious state of feeling towards the whites," due, in part at least, to the death of Chief Walker,[45] "but more particularly in consequence of the requisition which Col. Steptoe had made upon them for the murderers of Lieut. Gunnison & party."[46] No hostilities broke out, however, and by April 2, 1855, Hurt was able to report to Manypenny that "a general feeling of quiet prevails at this time."[47]

In this same letter the plan for the establishment of Indian farms in Utah was for the first time—so far as I know—outlined:

> But they (the Indians) are very destitute, and their necessities will be likely to force them into new disturbances. I have used all possible exertions to induce them to go to work, and many of them have expressed a willingness to do so. And what I wish more particularly to call your attention to, is the course which I have thought best to adopt in this matter. They would not be likely to do much towards farming without some person to instruct them. I have therefore endeavored to organize them in the valleys of Utah, Salt Creek, and Fillmore, and have designated

[42]C. E. Mix to Hurt, August 16. U.S.D.I., O.I.A., *Letter Book No. 49,* 488.

[43]Hurt to Mix, September 7. U.S.D.I., O.I.A., General Files, *Utah,* E 169/1854.

[44]Same to same, February 23, 1855. *Ibid.,* H 888/1855.

[45]Walker died on January 29, 1855. Creer, *op. cit.,* 180.

[46]Hurt to Mix, February 23, 1855. U.S.D.I., O.I.A., General Files, *Utah,* H 888/1855.

[47]*Ibid.,* H 918/1855.

a suitable person in each of these three places to superintend and give them such instructions, and furnish (them) with such farming utensils as may be necessary to give the experiment a fair trial. Wm. Maxwell will superintend those in Utah County, Jeremiah Hatch at Salt Creek, and John A. Ray Esq. at Fillmore.

William Maxwell had his headquarters at Payson, Mr. Hatch at Nephi, and Mr. Ray at Fillmore.[48] The locations of the farms, as given in the above letter, were merely tentative. Instructions from the Office of Indian Affairs would have to be obtained, and surveys made, before they could be made permanent. The merits of Hurt's plan were so obvious that a conditional sanction was obtained from Manypenny, who, in a letter to Hurt dated June 20, 1855, said:

> The policy you have instituted of employing farmers to instruct and direct the Indians in Agricultural labor, if carefully managed, will, I think, prove beneficial: but you will have care that the Indians shall not be encouraged to expect that they will be fed & clothed and cared for by the Agent & at the expense of the United States, without effort or labor on their part.
>
> The payment of the farmers you have engaged for this service will hereafter be sanctioned, if it appears that they render valuable services, and there was occasion for their employment.
>
> It is not hereby designed to authorize, however, salaried employees at permanent pay the year round.[49]

On May 10, Hurt left Salt Lake City to visit the Indians in southern Utah, "and to inspect the farming operations among the Utahs & Pah-vants." On the 12th he reached Summit Creek, near Payson, and found the Indians in that vicinity "wholly destitute of farming implements." The next day he met Hatch at Nephi, whom he accompanied to the Indian farm in the Salt Creek Valley. The Indians had planted twenty-two acres of wheat, ten acres of corn, and smaller

[48]Hurt to Young, no date, but certainly in spring of 1855. *Ibid.,* H 904/1855.

[49]U.S.D.I., O.I.A., *Letter Book No. 52,* 53.

quantities of potatoes and other vegetables. Hurt next went to the Pah-vant farm on Corn Creek, near Fillmore. The Pah-vants had gone in for farming more extensively than any of the other Indians; their farm was about sixty acres in extent, more than half of which were in wheat, in addition to which some ten acres were in corn and potatoes. Hurt was fairly well satisfied with the progress that was being made.[50]

Late in the fall of 1855, Hurt again went to the southern part of Utah. "My object . . . was to select some reservations of land, with the view of establishing a more regular system of farming among the Indians," he wrote to Brigham Young, on the last day of the year 1855.[51] On December 5, continues the letter,

> I visited Corn Creek, in company with several gentlemen of Fillmore, and the principal men of the Pah-vantes, and examined the soil and amount of water. Finding the former of good quality and the latter of sufficient quantity to irrigate 700 or 1,000 acres, we laid out one township or thirty-six square miles beginning on the north western corner, at the base of a small bute, about one mile south of where the Military road now crosses the Corn Creek—thence east six miles, thence south six miles to the base of the Mountains, thence west six miles, thence north six miles to the beginning.

Having done which, Hurt

> . . . Told [the Indians] the object of my visit among them, and laid before them my future plans for introducing a knowledge of agriculture and the other useful arts of civilization among them. And also of educating their children when they should have become sufficiently settled. Giving them to understand at the same time that these things could not be done for them without their aid, but that all depended upon their own exertions, and that we would not help them unless they would help themselves.

[50]Hurt to Brigham Young, June 30, 1855. U.S.D.I., O.I.A., General Files, *Utah,* H 997/1855.

[51]*Ibid.,* H 115/1856.

On December 9 a reservation of 144 square miles in extent was laid out at the junction of Twelve Mile Creek and San Pete Creek, in San Pete County. A small reserve, 640 acres in extent, was located on the Spanish Fork Creek in Utah County.[52]

Like Holeman before him, Hurt recommended the negotiation of treaties with the Indians of Utah Territory. By the law of July 31, 1854, Congress appropriated $45,000 "For the expenses of negotiating treaties with, and making presents of goods and provisions to, the Indian tribes in the Territory of Utah."[53] No steps were taken under this law for over a year. Finally, in August 7, 1855, Hurt concluded a treaty of peace and friendship with the Shoshones.[54] It was never ratified. Writing to Manypenny, on March 2, 1856, he emphasized the necessity for treaties by which the Indians would be located "upon suitable reservations." If such treaties were not made "a horrid state of war and bloodshed cannot be averted."[55] However, no treaties were made; nor did any Indian war occur.

We may now summarize Agent Hurt's Indian policy. (1) Reservations were to be established on a more permanent basis than were the Indian farms which we have already noted. These might, of course, have been regarded as reserves *de facto*—the name "reservation" was often applied to them, even in official documents. They had no legal standing, however, because their existence was not confirmed by treaties. (2) Treaties were to be negotiated, according to the terms of which the Indians should cede their lands in Utah, with the provision that the government should then set apart cer-

[52] *Ibid.*

[53] 10 *U. S. S. L.*, 330.

[54] Hurt to Young, August 27, 1855. Text of treaty included. *Ibid.*, H 1032/1855.

[55] *Ibid.*, H 140/1856.

tain reservations for their exclusive use. This part of Hurt's program was not put in effect during the period covered by this thesis. (3) The Indian farms were not located—as Wilson had recommended in 1849—in an inaccessible wilderness, but were fairly near the settlements. Thus the Pah-vant farm was near Fillmore; the Ute farm on Twelve Mile Creek was reasonably close to Manti; and the farm on Spanish Fork was midway between Payson and Provo. (4) The Indians were to receive such aid from the government—in the form of instruction given by farmers hired for the purpose, and a supply of agricultural implements—as would ultimately lead them to become self-supporting.

The year 1856 passed peacefully into history. Not so 1857. The latter year was marked by the Mountain Meadows massacre—the most tragic event in the history of Utah—and the Utah War. We shall review the former first. Of all the inexcusable horrors ever perpetrated in cold blood, this is perhaps the worst. The facts, in brief, are as follows.

A party of about 140 Arkansas emigrants, known as the Fancher party, en route for southern California, reached Salt Lake City about the end of July, 1857. Both the Mormons and the Indians were in a state of excitement at that time, because the news of the coming of Johnston's army had reached the ears of the Saints on July 24.[56] The emigrants did not remain long in Salt Lake City, but turned southward. At Corn Creek, twelve miles south of Fillmore, they met Jacob Hamblin, an influential member of the Mormon church. Hamblin advised the party to encamp at the Mountain Meadows, which they did. In passing through the settlements in the southern part of Utah, the conduct of the emigrants was such as to arouse the bitter hostility of both Indians and whites.

[56]Creer, *op. cit.*, 131.

A Mormon council met on September 6, at Cedar City, in which the conduct of the Arkansas emigrants was discussed. "Some were in favor of destroying them, but these were in the minority; after much discussion, it was unanimously decided to suspend all hostile actions toward the emigrants until advice from President Young relative to the proper course to pursue was obtained."[57] On the 7th, James H. Haslam was dispatched to Governor Young.

On that same day affairs at Mountain Meadows took on a much more critical aspect. Word was received at Cedar City, from John D. Lee—a Mormon in the employ of the United States Indian service, then at Pinto—"to the effect that the Indians had the emigrants surrounded at Mountain Meadows, and that he wanted to know what should be done."[58]

On September 8, the Indians attacked the emigrants, killing seven and wounding sixteen. News of this attack was taken to Lee by an Indian, who requested Lee to return to Mountain Meadows with him, which he did. The next day about 100 more Indians joined those already at the Meadows, and a number of Mormons encamped at Hamblin's ranch, a short distance north thereof. Lee also went to the ranch, from which place he sent an account of the situation to Cedar City.

On the night of the 9th, two of the emigrants escaped, with the idea of going to Cedar City for help. They were attacked by three white men at Richards' Springs; one of them was killed, and the other returned, wounded, to the emigrant camp with the news that the white settlers were in league with the Indians. This sealed the fate of the emigrants. Never could they be allowed to go to California with such news; which would result, most probably, in the dispatch of an army to Utah from the Pacific coast, in addition to the one already on

[57] *Ibid.*, 199.
[58] *Ibid.*, 199-200.

its way from the east. A council held on September 10—at which Lee was present—decided that all the emigrants likely to retain any memory of the murder committed on the 9th must be killed.

In accordance with the plan that had been concocted at the council, a flag of truce was carried to the emigrants' camp by William Bateman, on the morning of the 11th. John D. Lee soon followed, and arranged the terms of the surrender. The emigrants were to give up their arms, after which they should be given a safe-conduct to Cedar City. There they were to remain in safety, until the excitement among the Indians had abated, after which they could resume their journey to California. These terms were accepted, and the emigrants, having given up their arms, began their march toward Cedar City. The bushes along the road were filled with Indians and Mormon fanatics, who, at a given signal, fell upon them, killing about 120 men, women, and children.[59] The names of sixty-nine of the dead—twenty-four men, eleven women, and thirty-four children—are preserved in a letter in the Office of Indian Affairs. The same letter gives the names of seventeen young children who escaped the general slaughter.[60]

Two days after the massacre, word arrived from Brigham Young that "The emigrants must not be meddled with if it takes all Iron County to prevent it; they must go free and unmolested."[61] In fairness to Governor Young, it must be said that the massacre was not in any way his fault. James H. Haslam, who, it will be remembered, left Cedar City on September 7, with the message asking for Young's advice in regard to the emigrants, arrived in Salt Lake City on the 10th.

[59]Bancroft, *op. cit.*, 557.

[60]William C. Mitchell to A. B. Greenwood, April 27, 1860. U.S.D.I., O.I.A., General Files, *Utah*, M 244/1860.

[61]Creer, *op. cit.*, 200.

He started his return trip late the same day, and arrived at Cedar City on the 13th—too late to save many innocent lives; too late to prevent the terrible injury done to the name of his church. The clemency that can be extended to Young and the Mormon authorities in Salt Lake City cannot be extended to Lee and the Mormons at Mountain Meadows. They, far more than the Indians, were guilty of the most infamous outrage in the history of Utah—their guilt in the slaughter of men whose guns had been taken away from them, women, young girls, and children, cannot and should not be condoned.[62] They all merited the execution, which, though belated, was meted out to Lee, at Mountain Meadows, March 23, 1877.

[62]That a deed like the Mountain Meadows massacre should create the utmost feeling of horror is entirely natural. This feeling is well illustrated in the following testimony, given before the United States court in Cedar County, Utah, in July, 1859.

James Lynch of lawful age being first duly sworn, states on oath: That he was one of the party who accompanied Dr. Jacob Forney, Superintendent of Indian affairs in an expedition to the Mountain Meadows, Santa Clara &c in the months of March & April last, when we received sixteen children, sole survivors of the wholesale massacre perpetrated at the former place in the month of September, 1857. The children when we first saw them, were in a most wretched and deplorable condition; with little or no clothing covered with filth and dirt. They presented a sight heart rending and miserable in the extreme. The scene of the fearful murder still bears evidence of the atrocious crime, chargd by the Mormons and their friends to have been perpetrated by Indians but really by Mormons disguised as Indians, who in their headlong zeal, bigotry and fanaticism deemed this a favorable opportunity of at once wreaking their vengeance on the hated people of Arkansas, and of making another of those iniquitous "Blood Offerings" to God so often recommended by Brigham Young and their other leaders. For more than two square miles the ground is strewn with the skulls, bones and other remains of the victims. In places the water has washed many of these remains together, forming little mounds, raising monuments as it were to the cruelty of man to his fellow man. Here and there may be found the remains of an innocent infant beside those of some fond-devoted mother, ruthlessly slain by men worse than demons: their bones lie bleaching in the noonday sun, a mute but eloquent appeal to a just but offended God for vengeance. I have witnessed many harrowing sights on the field of battle, but never did my heart thrill with such horrible emotions, as when standing on that silent plain contem-

The Utah War need not concern us, except as it affected the Indian service in that territory. As his predecessor, Holeman, had distrusted the Mormons, so Hurt also found much to complain about, long before the Utah Expedition brought matters to a crisis. Thus, on May 2, 1855, he wrote to Manypenny:

> Since my arrival in this Territory I have become satisfied that these Saints have either accidentally or purposely created a distinction in the minds of the Indian Tribes of this Territory, between the Mormons and the people of the United States, that cannot act otherwise than prejudicial to the interests of the latter.

"It is possible," added Hurt in the same letter, "that many of them [the Mormons] are loyal in their feelings to the United States, but perhaps this cannot be said of many of their leaders."[63]

Letters like the one quoted above, which may be regarded as typical of many, no doubt increased the anti-Mormon senti-

plating the remains of the innocent victims of Mormon Avarice, fanaticism & cruelty. . . . Why were not these remains interred if not in a Christian like and proper manner, at least covered from the sight? But no, the hatred of their murderers extended to them after death—there they lay, a prey to the famished wolves that run howling over the desolate plains to the unlooked for feast, food for the croaking ravens that through the tainted air with swift wing wended their way to revel in their banquet of blood. . . . John D. Lee, a Mormon President has knowledge of the whereabouts of much of the property taken from these ill fated emigrants, and if I am not misinformed is in possession of a large quantity of it. Why not make him disgorge this ill gotten plunder, and disclose the amount escheated to, and sold out by the Mormon Church, as its share of the blood of helpless victims? When he enters into a league with Hell and a covenant with death; he should not be allowed to make feasts and entertain government officials at his table as he did Dr. Jacob Forney Superintendent of Indian Affairs while the rest of his party refused in his hearing and that of Lee, to share the hospitalities of this notorious murderer—this scourge of the desert. . . . "

So the document goes on. While many of its statements are true, the document shows above all the hatred for the Mormons that swept over the nation at the time. See U.S.D.I., O.I.A., General Files, *Utah,* M 83/1859.

[63]U.S.D.I., O.I.A., General Files, *Utah,* H 943/1855.

ment in official Washington. It was further increased by a letter from W. M. F. Magraw—a former mail contractor—to President Buchanan, dated from Independence, Missouri, October 3, 1856; in which the Mormon ecclesiastical organization was branded as "despotic, dangerous, and damnable."[64] On March 30, 1857, Associate Justice W. W. Drummond, who had just returned from Utah by way of Panama, submitted a letter of resignation to Attorney-General Jeremiah S. Black.[65] This letter was nothing short of a most virulent attack upon the Mormons—personally, politically, and ecclesiastically. The fact that these charges were made by a man of very poor character[66] did not mitigate their effect in the east, where people knew little of Utah, and where anti-Mormon feeling ran high. Lastly, Indian Agent Thomas S. Twiss wrote to Commissioner J. W. Denver, on July 13, 1857, complaining of Mormon aggression within the limits of the Platte agency.[67]

In the spring of 1857, before the Twiss letter had been written, President Buchanan decided that the situation in Utah was such as to justify a complete change of civil officers. Alfred Cumming received the appointment of territorial governor; Jacob Forney was made superintendent of Indian affairs.[68] A military force was to be sent to Utah with the new civil officers for their protection, and to aid, if necessary, in the execution of the laws.[69] The command of this expedition was at first entrusted to General W. S. Harney, but he was succeeded, on August 29, 1857, by Colonel A. S. Johnston. The first detachment left Fort Leavenworth on July 18, but it was not until September 16, that six companies of cavalry, under the command of Colonel P. St. George Cooke, left for

[64]35 Cong. 1 sess. vol. 10, (ser. 956), *H. Ex. Doc. 71,* 2-3.

[65]*Ibid.,* 212-214.

[66]Creer, *op. cit.,* 117-118. Bancroft, *op. cit.,* 490-492.

[67]35 Cong. 1 sess. vol. 10, (ser. 956), *H. Ex. Doc. 71,* 192.

[68]C. E. Mix to Forney, August 27, 1857. U.S.D.I., O.I.A., *Letter Book No. 57,* 326-328.

[69]Winfield Scott to the Adjutant General, May 28, 1857. 35 Cong. 1 sess. vol. 10, (ser. 956), *H. Ex. Doc. 71,* 4-5.

Utah. With them went Governor Cumming and the other newly appointed territorial officers.[70]

News of the Utah Expedition reached Salt Lake City late in July, 1857. It caused considerable excitement, and, naturally enough, increased the tension that already existed between Mormons and non-Mormons. During the summer and fall, as Johnston's army came nearer to Utah, the feeling of hostility increased. Agent Hurt believed that the Mormons had designs upon his life, so, one day in September, he fled from the Indian farm at Spanish Fork and wandered through the mountains for twenty-seven days before he found an opportunity to write to Colonel Johnston.[71] He ultimately joined the latter in his winter quarters at Camp Scott.

There all of the newly appointed civil officers for Utah were assembled. On November 30, 1857, Hurt submitted a detailed report upon the condition of the Indian farms in Utah to Superintendent Forney.[72] According to this report, the farms were in a better condition than might have been expected, considering the chaotic state of affairs in Utah. Thus the farm at the Spanish Fork had a total of 336 acres under cultivation, and its crops were estimated as follows:

11,155	Bush.	Wheat	$1.25 per Bush.	$13,943.75
3,360	"	Corn	1.00 " "	3,360.00
2,000	"	Oats	" " "	2,000.00
150	"	Barley	" " "	150.00
5,500	"	Potatoes	.75 " "	4,125.00
40	"	Buckwheat	1.00 " "	40.00
800	"	Turnips	.50 " "	400.00
12,800	Squashes		.03 each	384.00
Beets, Melons, Peas, Beans and other Garden Vegetables				350.00
				$24,752.75

[70]Creer, *op. cit.*, 130.

[71]Hurt to Johnston, October 24, 1857. U.S.D.I., O.I.A., General Files, *Utah*, F 176/1858.

[72]Hurt to Forney, November 30, 1857. *Ibid.*

At the Pah-vant settlement on Corn Creek 145 acres were under cultivation; while the Utes at Twelve Mile Creek, in San Pete County, were farming a tract of 195 acres.

Forney was pleased with the system of Indian farms, and so reported to Denver:

> So far as I have been able to investigate the matter, justice compels me to bear favorable testimony to the policy of Dr. Hurt in introducing agriculture among these tribes.
>
> Dr. Hurt has undoubtedly given his entire time & energies to improve the condition of the tribes in his neighborhood, & has by his devotion to their interests endeared himself much to them.[73]

In April, 1858, Alfred Cumming went to Salt Lake City, where he was recognized as governor of Utah by the mayor and other municipal officers, and by Brigham Young himself. This was much better than the insults and indignities that he had more than half expected.[74] During the summer the new régime got under way.

Soon after Hurt had left his agency, Brigham Young ordered George W. Armstrong "to carry on . . . the affairs thereof."[75] So, when Superintendent Forney arrived, he found that the Indian farms were in much better condition than he had expected.[76] During his superintendency the number of Indian farms was increased. In the spring of 1859 a farm was provided for the Gosha Utes, in the Deep Creek Valley, 150 miles from Salt Lake City. At the same time a farm for the Humboldt Shoshones was established in the Ruby Valley, 250 miles from Salt Lake City.[77] Superintendent

[73]Forney to Denver, December 14, 1857. *Ibid.*

[74]Cumming to Johnston, April 15, 1858. U.S.D.W., A.G.O., *Old Files Section,* 33 U/1858, enclosure 4.

[75]Young to Armstrong, October 16, 1857. U.S.D.I., O.I.A., General Files, *Utah,* A 255/1858.

[76]Forney to C. E. Mix, June 18, 1858. *Ibid.,* F 262/1858.

[77]Forney to J. W. Denver, March 9, 1859. *Ibid.,* F 405/1859.

Forney was removed from his post in September, 1859,[78] but the policy of increasing the number of Indian farms was continued by Indian Agent F. Dodge. On November 25, 1859, Agent Dodge—who at the time was in Washington—wrote to Commissioner Greenwood suggesting "that the north west part of the valley of the Truckee River including Pyramid Lake, and the north east part of the valley of Walker's River including the lake of the same [name] be reserved" for the Pah-Utes.[79] This suggestion met with the approval of Greenwood.[80] When Dodge went back to Utah he proceeded to take the steps necessary to set apart the farms.[81] On June 19, 1860, Congress appropriated $45,000 "for the general incidental expenses of the Indian service in the Territory of Utah, presents of goods, agricultural implements, and other useful articles," and $1,200 "For surveying and mapping four farms and reservations."[82] Money with which to carry Dodge's projects forward was not, therefore, entirely lacking.

There were, however, troubles of a more serious nature. There were too many farms in Utah; and the Indian service therein was far too inefficient. More than a year passed after the removal of Forney, before another superintendent—Benjamin Davies—assumed the duties of office on November 11, 1860.[83]

On November 12, 1860, Agent A. Humphreys reported to C. E. Mix that the yield for the season (of 1860) at the Spanish Fork had been three or four thousand bushels of

[78]Creer, *op. cit.*, 187.

[79]U.S.D.I., O.I.A., General Files, *Utah*, D 63/1859.

[80]Greenwood to Dodge, November 29, 1859. U.S.D.I., O.I.A., *Letter Book No. 62*, 280.

[81]Dodge to Greenwood, August 9, 1860. U.S.D.I., O.I.A., General Files, *Utah*, D 175/1860.

[82]12 *U. S. S. L.*, 58.

[83]Davies to Wm. P. Dole, June 30, 1861. 37 Cong. 2 sess. vol. 1, (ser. 1117), *Sen. Ex. Doc. 1, pt. 1*, 739.

wheat, one thousand bushels of potatoes, and some turnips and other vegetables. The San Pete farm only produced three hundred bushels of wheat.[84] The other farms had gone to ruin; the Indians who had once lived upon them had "wandered off and returned to their mountain haunts."[85]

Thus our story of Indian affairs in Utah must end: without a single Indian land title settled, and without any treaty of cession negotiated; with the Indian service in a most inefficient condition; and with many of the Indians themselves "in a state of nakedness and starvation, destitute of shelter and dying of want."[86]

[84]36 Cong. 2 sess. vol. 1, (ser. 1078), *Sen. Ex. Doc. 1, pt. 1,* 393-395.

[85]Davies to Wm. P. Dole, June 30, 1861. 37 Cong. 2 sess. vol. 1, (ser. 1117), *Sen. Ex. Doc. 1, pt. 1,* 739.

[86]*Ibid.*

VI

INDIAN AFFAIRS IN NEW MEXICO AND TEXAS 1849-1860

I

NEW MEXICO

I DOUBT whether any part of the United States was served by better representatives of the Indian Office than was New Mexico, in the period covered by this thesis. James S. Calhoun, John Greiner, William Carr Lane, and Kit Carson—and several others could just as well be named—were men of integrity and ability; but they were also men of ideals—men of importance to their department and to the nation whose service they honored.

James S. Calhoun[1] was appointed to the Santa Fe Indian agency on April 7, 1849.[2] At the time of his appointment, Indian affairs in New Mexico were in a critical condition. "Numerous bands of thieving Indians, principally, Navajoes, Apaches, and Comanches, are straggling in every direction, busily employed in gathering their winter supplies, where they have not sown. Not a day passes without hearing of some fresh outrage. . . . "[3] This sounds like the old familiar song, the plaintive notes of which we have already heard so many times.

During the summer of 1849 the Navajoes were exceedingly troublesome. No herds or flocks were safe from their incur-

[1]Annie H. Abel has edited *The Official Correspondence of James S. Calhoun.* Washington, Government Printing Office, 1915. The little that is known of Calhoun's life is given in the introduction to Miss Abel's work.

[2]William Medill to Calhoun, April 7, 1849. U.S.D.I., O.I.A., *Letter Book No. 42,* 17-19.

[3]Calhoun to Medill, October 1, 1849. Abel, A. H., *op. cit.,* 31.

sions; no traveler was ever free from the danger of being robbed or murdered by some of these roving banditti. Colonel John M. Washington, the military commander of New Mexico,[4] at last determined upon a campaign against them, and extended an invitation to Calhoun to join him at Jemes. Calhoun left Santa Fe on August 16,[5] and, together with some 350 men under Colonel Washington, left Jemes on the twenty-second. On August 30, several hundred Navajoes were met near the Tunicha Valley. The chiefs held a council with Colonel Washington, at which they expressed their contrition for the various robberies and murders that had been committed by the young men of the tribe, and stated their desire for peace. A treaty was drawn up; but it was not signed because a quarrel arose over the possession of a horse, which resulted in an exchange of shots, the death of Chief Narbona, and the flight of the Indians. The army continued on its way, reaching the Chelly cañon on September 6. Three days later a treaty of "perpetual peace and friendship" was negotiated with the Navajoes.[6] Needless to say, perpetual peace did not ensue. The most important result of the campaign was, perhaps, the first-hand knowledge of some of the New Mexico Indians that was obtained by Agent Calhoun, and used by him during the remainder of his career.

The Navajo campaign over, Calhoun found time to study the Indian situation in a more careful way than he had hitherto done. Writing to Medill on October 4, 1849,[7] he made three recommendations with regard to the Pueblo Indians: (1) The twenty or more pueblos in New Mexico should be "divided into six or seven districts, and an agent conveniently located in

[4]Colonel John M. Washington also assumed the duties of military Governor of New Mexico, October 11, 1848. *Ibid.*, 19, *note 1.*

[5]Calhoun to Medill, August 15, 1849. *Ibid.*, 20.

[6]Account of Navajo campaign based on Calhoun to Medill, October 1, 1849. *Ibid.*, 26-37. Text of treaty in *ibid.*, 21-25; and also in C. J. Kappler, ed., *Indian Affairs: Laws and Treaties,* II, 432-434.

[7]A. H. Abel, ed., *The Correspondence of James S. Calhoun,* 37-41.

each." (2) Blacksmiths, agricultural implements, fire arms, powder and lead, "and other presents should be given to them." (3) Fifteen or twenty Pueblo Indians should be invited to visit Washington, in order to obtain "a just conception of the American power and strength." Again and again, with some additions and modifications, Calhoun reiterated these suggestions. In a letter to Commissioner Orlando Brown, dated February 3, 1850,[8] he detailed his policy with regard to both the Pueblo Indians and their wild brethren:

(1) Each pueblo should have a resident sub-agent for the next year.

(2) "That these Sub Agents should be under the immediate control of a General Superintendent; and that Ordnance and Ordnance Stores should be deposited with them, to be used under the direction of the Superintendent."

(3) Lines of communication should be opened between the various pueblos, as well as between them and the settlements.

(4) Agricultural implements, blacksmiths, and carpenters "should be sent among these Indians, and their industry should be properly guided and directed. . . . "

(5) The laws regulating trade and intercourse should be extended over the Pueblo Indians.

(6) "A commission should be established at once, to adjust and mark their boundaries; and where they have not land enough, more should be given to them. . . . "

(7) "The idea of their removal and concentration, should not be suggested at this time."

. . . . . .

(9) "On several occasions, I have suggested the propriety of inviting some of these Indians to Washington City, to which place, they are extremely anxious to send delegations, and if other duties, in locating the wild Indians, making treaties &c. are not assigned to me, I should like to take to the United States, such Indians, as the Department may be pleased to authorize."

Calhoun's plans with regard to the wild Indians of New Mexico—Apaches, Navajoes, Utes, and Comanches—can

[8] *Ibid.*, 139-142.

easily be summarized. "The Comanches and Apaches, with all the adjacent fragments of other tribes, must be penned up," he wrote to Medill on October 15, 1849.[9] Later on, in the letter to Brown which we have already cited in connection with the Pueblo Indians, he suggested that two columns of dragoons should be used

> . . . For the purpose of chastising our Indian enemies, and others, thoroughly exploring the country, driving thieves, robbers & murderers from their dens, and hiding places; and selecting *four* districts of country, the districts not to be within one hundred miles of each other, defining and marking distinctly, the boundaries of each district; and into these limits the Apaches, Comanches, Navajoes, and Utahs, with their straggling Bands, known by other names, should be *forced* to enter and remain, under penalties that would secure submission, and ultimate contentment and happiness.

So Calhoun continues; pointing out that with the exception of the Navajoes—who were self-supporting—the government would have to feed and clothe these Indians until they acquired sufficient skill in agricultural and pastoral pursuits to sustain themselves. "The cost of this support," he added, "would be absolute economy compared with the expenditures that must, otherwise, necessarily ensue."[10]

So we could go on, studying Calhoun's numerous letters. To do so, however, would add but little to our knowledge of the man or his policy. The latter received inadequate support from the authorities in Washington. To have sent a sub-agent to each of the pueblos, would, of course, have cost more than the Office of Indian Affairs was willing to spend. As a matter of fact, no agent whatever was specially charged with the affairs of the Pueblo Indians until the appointment of A. G. Mayers, in November, 1854[11]—over two years after Calhoun's death. One point, at least, of Calhoun's program was

[9] *Ibid.*, 55.

[10] *Ibid.*, 141.

[11] Manypenny to Mayers, November 2, 1854. U.S.D.I., O.I.A., *Letter Book No. 50*, 181.

accomplished. A delegation of Pueblo Indians visited Washington in 1852, having gone east with their friend and superintendent, on that journey in the course of which he died.

As to the wild Indians: the government failed to set apart any reservations for any of them until 1860. The serious difficulties with them which Calhoun had always feared, came, as we shall see, in 1854 and 1855. Had his plan of locating them upon reservations that were at least 100 miles apart been adopted, who can say what course the history of Indian affairs in New Mexico would have taken?

Though it failed to support his policy, the government at least recognized Calhoun's merit. On September 9, 1850, the New Mexico Territorial Act[12] was approved. On December 23, President Fillmore sent Calhoun's nomination as territorial governor to the Senate; that body confirmed the nomination on January 7, 1851.[13] Two days later Secretary of State Webster notified Calhoun of his appointment.[14] He was inaugurated at Santa Fe on March 3.[15] The position of territorial governor carried with it the ex-officio superintendency of Indian affairs.

On February 27, 1851, Congress at last recognized the fact that New Mexico needed some Indian agents. The Indian appropriation bill that was approved on that day provided for the appointment of four agents for the new territory at a salary of $1,550 each per year.[16] Pursuant to the provisions of this act, Richard H. Weightman, A. R. Woolley, John Greiner, and Edward H. Wingfield received appointments,[17] and accordingly proceeded to the scene of their duties, arriving at Santa Fe in July, 1851.[18]

[12] 9 *U. S. S. L.*, 446-452.
[13] Abel, *op. cit.*, 296, *note 2.*
[14] *Ibid.*, 296.
[15] *Ibid.*, 296, *note 6.*
[16] 9 *U. S. S. L.*, 587.
[17] Luke Lea to Calhoun, April 5, 1851. U.S.D.I., O.I.A., *Letter Book No. 44*, 290.
[18] Calhoun to Lea, July 30, 1851. Abel, *op. cit.*, 392-393.

The last year of Calhoun's administration of Indian affairs cannot be regarded as essentially different from the first two. The Indians were at peace; yet the threat of hostilities hung like a dark cloud upon the horizon—ever present, ever menacing. Thus, on March 22, 1851, Calhoun wrote to Luke Lea:

> Indian murders and depredations are almost daily occurring in this Territory, South and West of Sante Fe. The Navajos during the past week, murdered one Don Jose Marie Baca and wounded his travelling companion, and drove off some stock between this and Mangana—On the same day, another party of Navajos drove from a Mesa, about fifteen miles from this place, near the road to Pena Blanca, about thirty horses and mules belonging to the Vicario of this City and Don Tomas Baca of Pena Blanca—On the 11th of this month, the Jicarillas took possession of a flock of sheep; supposed to number one thousand, slaughtered seven hundred, and returned to the owner near Anton Chico, three hundred of the poorest, and demanded pay for their honesty, but I am not advised that pay was accorded to them.[19]

A few days later, on March 29, Calhoun wrote to President Fillmore: "Until the Apaches and Navajoes are completely subdued we can neither have quiet or prosperity in this Territory."[20] On the last day of August, 1851, Calhoun wrote to Secretary of War C. M. Conrad: "They [the Navajoes] have so successfully committed murders and depredations, and carried off captives, they do not fear the possibility of being caught by our troops."[21] So we could go on *ad infinitum*. To do so, however, is entirely needless—the various murders and depredations were very much alike; having noted a few we have sufficiently noted all.

Calhoun's tragic death, which occurred late in June, 1852, when he was on the way to his Georgia home, has already

[19] *Ibid.*, 299.
[20] *Ibid.*, 305.
[21] *Ibid.*, 413.

received sufficient attention in an earlier chapter.[22] The duties of the superintendency devolved upon John Greiner.

Greiner was acting superintendent of Indian affairs in New Mexico during the summer and autumn of 1852. He proved himself a highly capable and efficient officer. Surrounded as he was by real and supposed dangers and by the menace of hostilities,[23] he succeeded, during his short term in office, in negotiating a treaty of peace with the Apaches; and he left the territory in greater peace and security than it had known for some time. It was on the last day of May, 1852, that Greiner wrote to Lea, from Santa Fe: "The Apaches are desirous of making peace and have sent in for the purpose of making a treaty."[24] The sentiment for peace

[22] *Ante,* 25-26.

[23] John Greiner was a most interesting letter writer. His word-pictures of conditions in New Mexico are more vivid than any others that I have seen. A few samples will serve as illustrations. Writing to a friend, on October 1, 1851, Greiner said:

"I have been residing at Taos lately, among the Eutaws and Apaches, who get drunk whenever they get a chance and boast of how many whites they have killed, and talk very glibly of the scalps they intend to take.

. . . . . .

"There is hardly an American here that stirs abroad without being armed to the teeth, and under his pillow pistols and bowie knives may always be found. None go to bed without this precaution. Taking all things into consideration, isn't this a nice, interesting country?

Tod B. Galloway, ed., "Private Letters of a Government Official in the Southwest," in *Journal of American History,* III, no. 4, p. 546.

"If [you meet] an Indian, look out for your scalp," was Greiner's laconic advice to travelers in New Mexico. Greiner to a friend, March 31, 1852. *Loc. cit.,* 550.

Writing to Luke Lea, April 30, 1852, Greiner said: "A Pueblo Indian who has been trading with them [the Comanches], and who speaks their language fluently states 'that one of their principal Chiefs has just returned from the City of Mexico, and appeared to be very solicitous of forming a League with the other wild Tribes of Texas & New Mexico for the alleged purpose of uniting them with the Mexicans, to expel, or exterminate, the Americans now in this Country.'"

—U.S.D.I., O.I.A., General Files, *New Mexico,* G 11/1852.

[24] U.S.D.I., O.I.A., General Files, *New Mexico,* G 38/1852.

was, at this time, on the increase. In his report for the month of June, Greiner was able to say:

> Not a single depredation has been committed by any of the Indians in New Mexico for three months. The oldest inhabitant cannot recollect the time when this could have been said with truth before.
>
> The Southern [Mescalero] Apaches have come in to make peace with the United States. I have sent runners all through their country, to bring their principal Chiefs. Thirty of them have been here [Santa Fe] for three days and tomorrow we are to hold a grand Council to make the Treaty.[25]

Accordingly, on July 1, a treaty[26] of "perpetual peace and amity" was negotiated with the Mescalero Apaches by Colonel E. V. Sumner—at that time in command of the ninth military department—and John Greiner. Among other things, this treaty provided that the Indians were "for all future time to desist and refrain from making any incursions within the Territory of Mexico. . . . "[27]—a provision to which "some objection" was offered, but to which the Indians "at last agreed."[28]

The Gila Apaches could not be induced to come to Santa Fe, but they agreed to meet the officers of the government at Acoma on July 11. Accordingly Colonel Sumner, Mr. Greiner, and Judge Baird met Mangas Coloradas—the representative of the Gila Apaches—and explained the terms of the treaty to him. He objected to the prohibition that was placed upon incursions into Mexico. "Are we to stand by with our arms folded while our women & children are being murdered in cold blood as they were the other day in Sonora? . . . Are we not to have the privilege of protecting ourselves?" he asked. In writing of this incident to Lea, Greiner added,

[25] *Ibid.*, G 24/1852.

[26] Kappler, *op. cit.*, II, 444-445.

[27] Article 5.

[28] Greiner to Lea, July 31, 1852. U.S.D.I., O.I.A., General Files, *New Mexico*, G 41/1852.

"It will be extremely difficult to keep these Indians at peace with the people of Old Mexico."[29] Nor need this be wondered at. Some of the people of the north Mexican states undoubtedly treated the Indians very badly; raided their flocks and herds, and frequently killed some of them, or kidnapped their women and children.[30] In return the Indians did likewise to the Mexicans.[31] It would be utterly naïve to suppose that a treaty between the Apache Indians and the United States could put an end to troubles between the former and Mexican citizens, unless the United States-Mexican border was adequately guarded by troops.[32]

Whatever may have been the attitude of the Apaches toward the Mexicans, they, in common with the other Indians of New Mexico, remained friendly towards Americans[33] until 1854—such was the duration of perpetual peace, when unsupported by sufficient appropriations.[34]

[29]*Ibid.*

[30]In addition to the statement made by Mangas Coloradas—quoted above—the subjoined extracts from a letter written by Greiner to Lea, on May 19, 1852, will be of interest:

"The Payutahs are a Band of Utahs, speak the Utah language, and are the most destitute and degraded of all the Indian tribes, and they have ever been in the habit of trading off their children for the means of subsistence. . . .

"The Mexicans in times past carried on quite an extensive trade with these Indians for their children who make excellent house servants, but of late years the custom has been almost discontinued."—U.S.D.I., O.I.A., General Files, *New Mexico,* G 42/1852.

[31]Greiner to William C. Lane, September 30, 1852. *Ibid.,* N 70/1852.

[32]"8,378 [men] are employed in the frontier departments or are now on the route to them," reported Sec. of War Davis, on December 1, 1853.—33 Cong. 1 sess. vol. 2, (ser. 691), *Sen. Ex. Doc. 1,* 3.

[33]"The Navajoes, Jicarillas & Eutaws are very quiet & peaceable," wrote Greiner to Lea, August 30, 1852.—U.S.D.I., O.I.A., General Files, *New Mexico,* G 50/1852. In his report to William C. Lane, September 30, 1852, Greiner said: "All the Indians on our Southern Boundary are anxious to live in peace with the United States Government, but evince the most decided hostility to the citizens of Old Mexico."—*Ibid.,* N 70/1852.

[34]An appropriation of $20,000 for the general expenses of the Indian service in New Mexico was made on August 30, 1852.—10 *U. S. S. L.,* 55. On

William Carr Lane succeeded Calhoun as governor and ex-officio superintendent of Indian affairs in New Mexico. He arrived at Santa Fe in September, 1852,[35] and held his position until the following August. Lane was an idealist who believed that the Indian service in New Mexico could be made efficient by following a set of rules which he issued! Some of these rules are worth noting.

1. Sinecures are abolished.

2. The public service is to be the great aim and end, of all Agents, Interpreters, and other persons who may be employed in the Department; and every possible exertion must be made, to advance the public interest.

3. Private business must not interfere with the discharge of public duties.

6. All orders from superiors must be promptly obeyed, or satisfactory reasons given, for the failure to obey.

7. The expressions "I can't," "I couldn't," or "I don't know," are inadmissable phrases, in Reports to this Superintendency.[36]

The only noteworthy plan put forward by Lane, was that of removing the Indians from that portion of New Mexico east of the Rio Grande and south of the Arkansas to the region west of the former river,

> . . . Where their presence will not molest either the Mexicans or other Indians. The Indians to be removed . . . consist, chiefly, of Utahs, and of different bands of Apaches. Nearly all the Utahs, and more than half of the Hick-ali-ree-ahs [Jicarillas], are already removed, temporarily, to the W. side of the Rio Grande; and strenuous efforts will be made to influence the rest of the Utes and Hickareas to follow them, this spring.
>
> . . . . . .

March 3, 1853, $10,000 were appropriated for the same purpose.—10 *U. S. S. L.*, 226. No special appropriation was made to carry the Apache treaty into effect.

[35]Greiner to Lea, August 30, 1852. U.S.D.I., O.I.A., General Files, *New Mexico*, G 50/1852.

[36]Lane's "Rules" bear the date of November 2, 1852. U.S.D.I., O.I.A., General Files, *New Mexico*, N 82/1853.

> My plan, in brief, is to locate these Indians, (and indeed all the roving Indians), in this superintendency, as fast as possible, in stationary camps, in suitable places, . . . and to instruct them in the simple modes of agriculture.[37]

So wrote Lane to Lea on February 24, 1853. The task of teaching the Jicarillas how to farm was assigned to Agent Michel Steck.[38] All was going well when the plan was disallowed by the authorities in Washington.

"With respect to this Scheme," wrote Manypenny to Lane, on April 9, 1853, "whilst its adoption and successful prosecution would probably afford great relief to the agricultural, pastoral and mining operations of the people, at least of those *East* of the river, and render travelling more safe, it is plain, that besides a careful examination of the country proposed to be occupied much preparation and precaution would be necessary in effecting the details, all of them being matters which the Department would feel itself charged with. . . . "[39] Therefore the Office of Indian Affairs found itself "unable to assent" to an admittedly good plan. It is almost needless to point out that the true reason for this official attitude was the lack of funds—the appropriation act of March 3, 1853, granted a meager $10,000 for the general expenses of the Indian service in New Mexico.[40]

David Meriwether took the oath of office as governor of New Mexico on May 22, 1853, in the city of Washington,[41] and assumed the duties of his position at Santa Fe on August 8.[42] Meriwether's policy was more bellicose than that of his predecessor—but he had reason for his bellicosity;

[37] *Ibid.*, N 107/1853.

[38] *Ibid.*

[39] U.S.D.I., O.I.A., *Letter Book No. 47,* 116-117.

[40] 10 *U. S. S. L.*, 226.

[41] Meriwether to C. E. Mix, May 22, 1853. U.S.D.I., O.I.A., General Files, *New Mexico,* N 113/1853.

[42] Meriwether to Manypenny, August 10, 1853. *Ibid.*, N 149/1853.

the Apaches having resumed their favorite pastimes of robbing and murdering travelers and settlers. Thus, on August 23, Agent Steck reported that two Mexicans, residents in the town of Dona Ana, had been killed; and that a party of emigrants had been attacked, and 150 head of stock stolen, by the Mescalero Apaches.[43] In his first monthly report—that for August, 1853—Superintendent Meriwether pointed out that the Indians of New Mexico would either have to be fed and clothed at the government's expense, or chastised "in a decisive manner." He added, significantly, "The former has been the policy of my predecessor, . . . and the latter has not been effectually tried."[44] In justice to Meriwether, be it said that he tried his best to maintain peace in spite of the greatest of all difficulties—a lack of appropriations which finally resulted in his absolute inability to feed the Indians within his superintendency.[45]

[43]Steck to Meriwether, August 23. *Ibid.*, N 176/1853.

[44]Meriwether to Manypenny, August 31. *Ibid.*, N 153/1853.

[45]In this connection the subjoined documents will be of interest.

(1) Meriwether to Manypenny, November 28, 1853. "The lavish expenditure of the public money by my predecessor has caused the Indians of this Territory to expect much assistance from me whilst it has deprived me of the ability to assist them even to a very limited amount and hence my position is far from being a pleasant one. Not having the means of supplying their absolute necessities nor of complying with the promises made by Gov. Lane many depredations have been commited and I fear that many more will be commited before this reaches you. Indeed my alternate threats and promises have accomplished more than I could have expected but as want and destitution is stareing them in the face with the smallpox rageing in their midst neither threats nor promises will suffice much longer. . . . "—*Ibid.*, N 197/1854.

(2) Same to same, December 27, 1853. "Winter is now upon us, and being hard pressed for food, several bands of the Apaches, one of the Navajo, and one of the Utah tribes, who reside near the white settlements, have repeatedly applied to me for relief which I have not the means of affording hence during the present month they have frequently visited their white neighbors, and helped themselves. . . . "—*Ibid.*, N 209/1854.

(3) Same to same, January 1, 1854. "I have the honor to inform you that I have closed the quarters account of all the Indian agents except one as well as my own and according to the imperfect accounts left in this office

The situation was, in fact, rapidly becoming an impossible one. The year 1853 came to an end without any serious hostilities; but the Indians were in a very destitute condition. Early in March, 1854, a party of Jicarilla Apaches stole some cattle from the ranch of Mr. Walters, near Fort Union. They were pursued by thirty dragoons, under Lieutenant Bell, and were overtaken, on March 5, near the Red River cañon. A fight occurred, which resulted in the death of five Indians and two dragoons.[46] This may be regarded as the opening incident of the Jicarilla War.

On March 20, Governor Meriwether left New Mexico on a four-months leave of absence; his duties devolved upon William S. Messervy, the secretary of the territory.[47] Affairs rapidly drew to a climax. A number of Jicarilla Apaches, who were encamped at Picoris on March 27, and who, on that day, informed Kit Carson of their friendly intentions,[48] proceeded, three days later, to lay a trap for some troops under Lieutenant Davidson.[49] The trap worked all too well: some 250 warriors surrounded the lieutenant and his sixty men, of whom twenty-two were killed and twenty-three wounded in the course of a three-hour battle.[50] News of the serious aspect which affairs in New Mexico had assumed was sent to Meriwether in a

there is less than one thousand dollars at my command. . . . I have therefore issued orders to the agents to make no further purchases of provisions or presents for the Indians or for any other purpose except food for the public animals until further orders. . . . "—*Ibid.*, N 212/1854.

(4) Manypenny to Meriwether, February 7, 1854. This letter must have seemed most sarcastic to Meriwether, for he was told to "endeavor to avoid involving the Government in any expense untill you receive further information respecting the action of Congress. . . . "—U.S.D.I., O.I.A., *Letter Book No. 48*, 396-397.

[46]Meriwether to Manypenny, March 17, 1854. U.S.D.I., O.I.A., General Files, *New Mexico*, N 241/1854.

[47]Messervy to Manypenny, March 31. *Ibid.*, N 245/1854.

[48]Carson to Messervy, March 27. *Ibid.*

[49]Messervy to Manypenny, April 29. *Ibid.*, N 269/1854.

[50]Davidson to Major G. A. Blake, April 1. U.S.D.W., A.G.O., *Old Files Section*, 39 N/1854, enc. 1. Filed with 201 G/1854.

letter from W. W. H. Davis, dated April 7, 1854.[51] This letter was received by the governor at Louisville, Kentucky. He promptly wrote to Manypenny, requesting that more troops be sent to New Mexico; and stating that he was going to leave Kentucky for Santa Fe about the middle of June.[52]

In the meantime the war dragged on. An express was sent to General Garland, "then on the road to El Paso, he immediately came to this city [Santa Fe] and put all his disposable forces in the field." It is to be noted that Pueblo Indians and Mexicans were both included in this category.[53] The war had, however, degenerated into a series of sheep- and cattle-stealing raids.[54] Governor Meriwether arrived at Santa Fe in August, and was informed by three Ute Indians that Chacon, one of the principal chiefs of the Jicarilla Apaches, desired peace.

I directed the Utahs to inform Chacon that I was ready to hear anything that he had to say on the subject of peace: that if he would raise a white flag and come in to see me, he would not be molested, that even if peace should not be made, I would guarantee his safe return to his people again. I also directed the Utahs to inform Chacon, that if he was not prepared to make peace, and then live up to it that he had as well not come to see me, that we were determined not to submit to their robberies and murders any longer.[55]

The upshot of this was a visit from Chacon, on September 6. His people were starving, he said, and earnestly desired peace. Though he suspected the sincerity of these professions of friendship, Governor Meriwether granted him provisions for a month[56]—and the depredations continued. All through the

[51]U.S.D.I., O.I.A., General Files, *New Mexico*, N 270/1854.
[52]Meriwether to Manypenny, May 28, 1854. *Ibid.*
[53]Messervy to Manypenny, April 29. *Ibid.*, N 269/1854.
[54]Same to same, May 30. *Ibid.*, N 276/1854.
[55]Meriwether to Manypenny, August 31. *Ibid.*, N 298/1854.
[56]Same to same, September 29. *Ibid.*, N 318/1854.

fall and winter of 1854, and the following spring, the Jicarilla and Mescalero Apaches remained openly hostile; the friendship of the Utes was very questionable; and efforts had to be made to keep the Navajoes and Gila Apaches peaceful.[57]

During the summer of 1854 Congress worked over the annual Indian appropriation bill. As finally passed, on the last day of July, this act appropriated $30,000 "For the expenses of negotiating treaties with, and making presents of goods and provisions to, the Apache, Navajoe, and Utah Indians, in the Territory of New Mexico." The same act also appropriated $25,000 for the general expenses of the Indian service in that territory.[58] Official dilatoriness prevented any action on the part of the Indian Office until the following March. On the sixteenth of that month, Manypenny wrote to Meriwether:

> You have been designated by the President, as the Officer of the Indian Department to negotiate Articles of Convention, under the appropriation of $30,000 by the Act of 31st July 1854, with the Apache, Navajo, & Utah Indians in New Mexico, by which permanent and well defined relations of amity shall be established between them and the United States.[59]

Accordingly, during the summer of 1855, Meriwether negotiated a series of treaties—first, in June, with the Mimbre and Mescalero Apaches;[60] on July 18, with the Navajoes;[61] on August 8, with the Capote Utes;[62] and in September with the Jicarilla Apaches and the Mohuache Utes.[63] Though none

[57]Same to same, October 29. *Ibid.*, N 339/1854. Same to same, February 28, 1855. *Ibid.*, N 404/1855.

[58]10 *U. S. S. L.*, 330.

[59]U.S.D.I., O.I.A., *Letter Book No. 51*, 89-92.

[60]Meriwether to Manypenny, June 26, 1855. U.S.D.I., O.I.A., General Files, *New Mexico*, N 467/1855.

[61]Same to same, July 27. *Ibid.*, N 486/1855.

[62]Same to same, August 14. *Ibid.*, N 508/1855.

[63]Same to same, September 15. *Ibid.*, N 535/1855.

of these treaties were ratified, a precarious peace[64] was maintained until July, 1858—at which time serious difficulties developed with the Navajoes.

By the appropriation act of March 3, 1857,[65] the position of superintendent of Indian affairs for New Mexico was separated from that of territorial governor. In pursuance of this act, James L. Collins received an appointment to the former post. His administration was marked by the beginnings of the reservation system, and by the Navajo War.

The appropriation acts of August 18, 1856,[66] and March 3, 1857,[67] both contemplated the establishment of Indian reserves in New Mexico. In a letter to C. E. Mix, dated January 8, 1858, Superintendent Collins outlined his plans for the establishment of reservations for the Navajoes, Utes, and Apaches—plans which involved the employment of agents, farmers, carpenters, and blacksmiths; and an expenditure of $150,000.[68] The various bands of Utes were to be concentrated on the Rio San Juan, "about 60 or 80 miles from the village of Abiquiu," in "a beautiful and fertile country, well supplied with grass and timber, with a mild and healthy climate."[69] All the Apaches were to be located on the Gila, in "small but very rich" valleys.[70] Thus, in both cases, the Indians were to be removed from the vicinity of the settlements and the evil influences thereof; in both cases the danger of depredations was to be minimized by the establishment of military posts near the reservations. "An ounce of remedy is better than a pound

[64]Just how precarious the peace was, is shown by a list containing the names of no less than twenty-six people who had been robbed of stock by the Apache Indians between September and the end of December, 1855. *Ibid.*, N 34/1856.

[65]11 *U. S. S. L.*, 185.

[66]11 *U. S. S. L.*, 79.

[67]11 *U. S. S. L.*, 184.

[68]U.S.D.I., O.I.A., General Files, *New Mexico*, C 1267/1858.

[69]Collins to Sec. of the Interior J. Thompson, May 12, 1858. *Ibid.*, C 1524/1858.

[70]Collins to C. E. Mix, December 5, 1858. *Ibid.*, C 1903/1859.

of cure," wrote Collins to J. W. Denver, March 26, 1859.[71] On the last day of February, 1859, Congress authorized the establishment of a reserve or reserves on or near the Gila River.[72] Accordingly, a reservation for the Gila Apaches—including the Miembres, Mogollen, and Chilicayia bands of that tribe—was selected, and, in May, 1860, approved by the Office of Indian Affairs.[73] It was the only reservation that was established in New Mexico during the period covered by this thesis.

The details of the Navajo War need not concern us: it was much like other Indian wars which we have already noticed. Finding its immediate origin in the murder of a slave boy—a servant of Major W. T. H. Brooks—by a Navajo Indian on July 12, 1858,[74] the war developed into the usual series of predatory raids on the part of the Indians[75] and attempts at retaliation on the part of the troops. Indian Agent S. M. Yost and Colonel D. S. Miles agreed to an armistice with the Indians on November 20.[76] A treaty of peace that was formulated by Superintendent Collins and Colonel B. L. E. Bonneville—then in command of the ninth (New Mexico) military department—was agreed to by the Navajoes on

[71]In this same letter Superintendent Collins summarized the evil influences of the settlements upon the Indians: "As I have stated in former communications, it is becoming more important every day to have the Utahs and Apaches, belonging to this superintendency removed from the settlements. Their contact with the Mexicans is having a bad effect upon them. They are encouraged in a spirit of insubordination to the authorities, cheated and defrauded out of most of the presents given them by the Government, encouraged in the vice of intemperance, which leads to an indisposition to make any exertion for their own maintenance beyond the pittance allowed them by the Government." *Ibid.*, C 2006/1859.

[72]11 *U. S. S. L.*, 401.

[73]A. B. Greenwood to J. S. Wilson (Commissioner of General Land Office), May 14, 1860. U.S.D.I., *Executive Orders Relating to Indian Reservations from 1855 to 1912*, 120.

[74]S. M. Yost to Collins, August 31, 1858. U.S.D.I., O.I.A., General Files, *New Mexico*, C 1726/1858.

[75]Collins to C. E. Mix, July 31. *Ibid.*, C 1603/1858.

[76]*Ibid.*, I 947/1859.

Christmas Day, 1858.[77] Soon thereafter it was broken; nor were the Indians finally subdued until Colonel Canby had conducted a vigorous campaign against them, during the winter of 1860-1861. Peace was restored by a treaty negotiated at Fort Fauntleroy, February 15, 1861.[78]

II

INDIAN AFFAIRS IN TEXAS, 1845-1860

Over a month before the ultimate consummation of annexation, Secretary of War Marcy wrote to General Taylor:

> As soon as the Texan congress shall have given its consent to annexation, and a convention shall assemble and accept the terms offered in the resolutions of congress, Texas will then be regarded by the executive government here so far a part of the United States as to be entitled from this government to defense and protection from foreign invasion and Indian incursions.[79]

This may be regarded as the first definitive statement by an official high in the government service, by which guardianship over the Texas Indians was acknowledged. Though the effectiveness of that guardianship was hindered by the fact that Texas retained exclusive jurisdiction over its public lands,[80] control over the Indians therein was gradually increased and extended.

During the latter half of 1845 and the first half of 1846, the attitude of the Texas Indians became a matter of great importance, due to the increasingly critical relations between

[77] *Ibid.*, Y 42/1858.

[78] *Ibid.*, I 335/1861.

[79] May 28, 1845. 30 Cong. 1 sess. vol. 7, (ser. 520), *H. Ex. Doc. 60,* 79-80.

[80] The second section of an ordinance passed by the Texas convention on July 4, 1845, stated that "Said state, when admitted into the Union . . . shall retain . . . all the vacant and unappropriated lands lying within its limits." D. G. Wooten, ed., *A Comprehensive History of Texas,* II, 8.

the United States and Mexico. It was imperative that these Indians be conciliated. Acting under instructions from the Office of Indian Affairs, dated September 12, 1845, P. M. Butler and M. G. Lewis went to Texas, reaching the Indian country thereof in November. A joint council of the various tribes was called to meet at Comanche Peak on the Brazos River, at the time of the January full moon. However, it was not until May, 1846, that the Comanches, Aionais, Anadarkoes, and Caddoes finally assembled at Council Springs. The news of the outbreak of the Mexican War had undoubtedly made the Indians restive. It was, therefore, imperative that their friendship—or at least neutrality—be secured.[81] This was accomplished by a treaty negotiated on May 15.[82] According to the terms thereof, the signatory tribes not only placed themselves under the sole protection of the United States (Art. 1); but they further agreed (Art. 10) to remain at peace with this country, and (Art. 11) with the Indian tribes friendly thereto. Viewed in the light of events then transpiring, these were undoubtedly the most important provisions of the treaty. Other provisions there were, by which the foundations of our Indian policy in Texas were laid. They may be briefly summarized:

ART. 2. The United States was to have the sole right to regulate trade and intercourse with the signatory tribes.

ART. 9. Trading houses and agencies were to be located upon the border of the country of the signatory tribes. A present of goods was to be given to them at once; and $10,000 in goods "at such time as the President . . . may think proper."

ART. 12. People guilty of introducing ardent spirits among said tribes to be punished according to the laws of the United States.

[81]The account of the events leading up to the negotiation of the Council Springs Treaty is based upon the report of Butler and Lewis to Commissioner William Medill, August 8, 1846. 30 Cong. 1 sess. (ser. 512), *Sen. Report 171*, 29-37.

[82]Kappler, *op. cit.*, II, 411-413.

ART. 13. Blacksmiths and school teachers were to be sent to the Indians, and preachers "may travel or reside among them by permission of the President or his agents."

So much for the terms of the treaty. It was, of course, virtually impossible to "regulate trade and intercourse" with the Texas Indians so long as that state retained the jurisdiction over its public lands. Nor were blacksmiths and school teachers sent to the Indians for several years. The first steps toward the fulfillment of some of the provisions of the treaty were taken by Congress on March 3, 1847. An act[83] was approved on that day, by which the following appropriations were made: (1) $20,000 "for the purchase of presents for the Comanche and other Indians of Texas and the southwestern prairies, promised them in eighteen hundred and forty-six, and for the same object [in] the present year." (2) $3,650 "for compensation of a special agent and two interpreters for one year," and (3) $10,000 "to carry into effect the treaty [of 1846] with the Comanches and other tribes of Indians." In pursuance of this act, Major Robert S. Neighbors—a man who had served the Republic of Texas both as Indian agent and army officer[84]—was appointed special agent for the Texas Indians.[85] During far the greater part of the period covered by this study, the government's Indian policy in the Lone Star State was under the direction of this man—a man of as great ability and as sterling character as anybody ever employed by the Indian Office.

Three months after assuming his duties, Major Neighbors wrote a long and interesting letter to Medill,[86] in which he gave an excellent word-picture of the Indian situation in his agency.

[83]9 *U. S. S. L.*, 204.

[84]L. C. Koch, "The Federal Indian Policy in Texas, 1845-1860," in *Southwestern Historical Quarterly*, XXVIII, no. 4, (April, 1925), 261.

[85]Medill to Neighbors, March 20, 1847. U.S.D.I., O.I.A., *Letter Book No. 39*, 257-259.

[86]June 22, 1847. 30 Cong. 1 sess. vol. 1, (ser. 503), *Sen. Ex. Doc. 1*, 892-896.

For the last few months our settlements have extended very rapidly, and, unless checked, will continue to do so; also, frequently large parties of surveyors penetrate many miles into the country now occupied by the Indians. These movements keep the Comanches and many other tribes in continual excitement; and unless some measures can be adopted by the Department to check the surveyors, it will finally lead to serious difficulties. From these causes the Comanches are in a doubtful state of quietness, and there is no telling how soon there will be a general outbreak among them. The present laws of Texas do not acknowledge that the Indians have any right of soil; and those persons holding land claims contend that they have the privilege of locating wherever they choose. Under these circumstances the Department must be aware that the agent of the Indians can effect but little towards preventing those persons from going into the Indian country.

Neighbors felt justified in concluding his letter upon an optimistic note:

Having in the last month visited every band on our immediate borders, I can at present detect nothing of a hostile character, or that would induce me to apprehend anything like a general outbreak from any tribe. The depredations committed are confined almost entirely to horse stealing; and I am confident that, in a short time, if the Department would allow me to call the assistance of troops for the arrest of said thieves, and bring them to proper punishment, our frontier would enjoy perfect tranquility.

If these two quotations, taken from the same letter, seem to be paradoxical, it must be remembered that they are no more so than were the actual conditions. The ideal of peace was ever contrasted with the actuality of threatened hostility.

The uncertain, shifting attitude of the Texas Indians during 1847 was found to be due to false representations of the policy of the United States, which had been circulated among them by Mexicans, by other Indians, and by German emigrants. A great council attended by some 2,200 Indians—Comanches, Ionies, Caddoes, Onadahkos, Wacoes, Keechies, Wichitas,

Tahwaccaros, Tonkahwas, and a few Delawares, Shawnees, and Cherokees—met on September 27, 1847. The treaty of 1846 was read and explained. We shall allow Major Neighbors to continue the narrative:

I found, from conversations had with several chiefs, that the late misunderstanding was caused by lies that had been circulated among them. Some by the Mexican residents of San Antonio, some by the small bands of Indians that visit the prairie tribes for the purpose of trade, but principally by the German emigrants who are settling in the immediate vicinity of the country now occupied by the Comanche Indians. The three principal chiefs of the Comanches assured me that Dr. Shubert, an agent of the German colonists, had informed them that the troops raised last summer in Texas were for the purpose of making war on the several bands of Indians, and that the government designed to have them all massacred when they met in council this fall.[87]

While the council undoubtedly resulted in a temporary improvement of feeling on the part of the Indians, Neighbors was unable to prevent emigrants from trespassing upon territory regarded by the Indians as their own, so long as the federal government had no control over Texas lands. Fortunately Governor J. Pinckney Henderson recognized the importance of the Indian problem, and manifested his willingness to coöperate with Neighbors for the maintenance of peace and the fair treatment of the aborigines. In a letter to Medill, November 18, 1847, Neighbors said:

Governor Henderson . . . declared the laws of the late "republic" of Texas, regulating intercourse with the Indians, to be in force, and designated a temporary line about thirty miles above our highest settlements as a point "above which no white person should be allowed to go, unless for legal purposes." The several ranging corps were stationed on said line, and the Indians notified of its existence, and as a point below which they would

[87]Neighbors to Medill, October 12, 1847. *Ibid.*, 904.

not be permitted to locate or hunt, without permission of the authorities.[88]

The Indians appear to have obeyed the governor's mandate, but the whites did not. During the latter part of November, or early in December, several people settled above the temporary line; they were subsequently ejected by order of Neighbors. Governor Henderson approved of this action. "You did right in having those persons removed below the line referred to, and I now request that you will, in all instances, in future pursue the same course," he wrote on December 10.[89]

In general, we may characterize the years from 1846 to 1848 as a period during which the Indians remained fairly peaceful. There were several reasons for this. The treaty of 1846 and the great council of 1847—and the presents distributed at that time—no doubt exercised a salutary influence. The presence of a large number of troops along the Texas frontier served as an ever-present reminder of the power of the government.[90] Upon the conclusion of the Mexican War, the troops were gradually withdrawn, until, by the middle of 1849, there were only 1,000 regulars left in Texas.[91] Depredations broke out anew. During the year 1849, 171 people were killed, seven wounded, and twenty-five carried into captivity. Stock valued at $103,277 was stolen.[92] Nor could the Indians be effectively controlled, and depredations prevented, unless the federal government pursued a more vigorous policy.

Such a policy was foreshadowed by the appointment of C. J. Todd, Robert B. Campbell, and Oliver P. Temple as "commissioners to procure information, collect statistics, and

[88]30 Cong. 1 sess. (ser. 512), *Sen. Report 171,* 9.

[89]*Ibid.,* 11.

[90]Koch, *op. cit.,* 277-278.

[91]Major General George M. Brooke to Adjutant General R. Jones, July 14, 1849. 31 Cong. 1 sess. vol. 3, pt. 1, (ser. 569), *H. Ex. Doc. 5,* 139.

[92]Koch, *op. cit.,* 278.

make treaties with the Indians upon the borders of Mexico, as provided for in the act of September 30, 1850."[93]

Their instructions, dated October 15, were written by A. S. Loughery, the Acting Commissioner of Indian Affairs. Among other items the Office of Indian Affairs desired information upon the number of tribes, "their friendly or warlike relations with each other and towards the United States," the number of agents and sub-agents necessary for their proper management, and the quantity of presents to be distributed among them.[94] But of greater importance than the above specific points was the wide latitude granted to the commissioners:

> . . . the object [of the Office of Indian Affairs] is to look to you for all the material to guide it in its future action in conducting its Indian and other relations in that country. The whole subject is left to you. . . .[95]

Todd, Campbell, and Temple first met at New Orleans, in November, 1850. The following month they proceeded to San Antonio, where they made preparations for their further travels in Texas.

During the first part of 1851, several interviews with the Indians of Texas and the Mexican border were held, but no treaties were negotiated by the commissioners. A definite policy was, however, recommended. The Indians were to be restrained from incursions into Mexico, and tranquillity was to be secured by removing them "north of the route usually travelled to El Paso and New Mexico."

A boundary, having this beneficial provision on the entire route to the Pacific, will therefore offer inducements to a cordon of

[93]A. S. Loughery to Todd, Campbell, and Temple, October 15, 1850. 31 Cong. 2 sess. vol. 1, (ser. 587), *Sen. Ex. Doc. 1,* 153. The section of the appropriation act of September 30, 1850, here referred to may be found in 9 *U. S. S. L.* 556.

[94]31 Cong. 2 sess. vol. 1, (ser. 587), *Sen. Ex. Doc. 1,* 154.

[95]*Ibid.,* 155.

settlements along the borders of the United States and Mexico, which, with the military advantages of a railroad, will supersede the necessity of any considerable expenditure in the establishment of military posts. In this view of the subject we regard a railroad, . . . contiguous to the line now in process of demarcation, and extending to the Pacific, as possessing eminent tendencies to fulfill our treaty stipulations [with Mexico].[96]

While it is true that a railroad across Texas might have aided the military in the prevention of Indian raids along the Mexican border, it is also to be noted that such a road would have been a means of drawing settlers to Texas at the relative expense of the regions north thereof. Viewed in this light, the proposal to concentrate the Texas Indians north of the railroad becomes subordinate to the sectional struggle between South and North.[97] Nothing came of this plan at the time.

Let us examine the suggestions made by four men—three of them special Indian agents, one an army officer. In a letter to Major General William J. Worth, March 7, 1849, Robert S. Neighbors recommended the following policy:

1st. The establishment of a treaty of boundaries, by which the general government should extinguish the Indian title or claim to as much territory as the State requires for immediate use—which, from the best estimate that I have seen, would be from where the hundredth parallel of longitude intersects Red river to some point on the Rio Grande.

2d. That the general government should acquire from the State a sufficiency of territory for the permanent location and settlement of the Indians; said land to be divided among the several bands and tribes according to their numbers, and the usual inducements offered them, to encourage settlement.

3d. That the general government extend its intercourse laws

[96]Todd, Campbell, and Temple to Luke Lea, August 23, 1851. 32 Cong. 1 sess. vol. 3, (ser. 613), *Sen. Ex. Doc. 1,* 305.

[97]J. C. Malin: *Indian Policy and Westward Expansion,* 47-48. University of Kansas, *Humanistic Studies,* II, no. 3. Lawrence, Kansas, 1921.

over the Indians of Texas, for the better regulation of trade and intercourse with the Indians.[98]

These were the most important recommendations made by Major Neighbors. They are of particular interest coming from the man who, more than anyone else, was ultimately identified with the reservation system in Texas.

Fourteen months after the above letter had been written, on May 28, 1850, Major General George M. Brooke wrote a letter to Winfield Scott. He pointed out that the only way to stop "the predatory war, now going on" in Texas, was to establish a boundary for the various tribes.

In the event of a Boundary being established for the Comanches and other tribes of Indians on the borders of Texas, I have no idea such a line will be respected unless these Indians are subsidized, receiving annuities as the northern tribes; because they actually have not the means of subsistence unless they follow the mustangs, wild droves of horses, which are to them what the Buffalo is to the Blackfeet, Crows and Pawnees. If we succeed in keeping them from stealing and plundering on our own soil, they will be necessarily forced into Mexico. Until they become in some measure Agriculturists it cannot be expected they will depart from their old habits. We must give them Annuities, establish among them Farmers and Blacksmiths, or exterminate them by force.[99]

The commission of Robert S. Neighbors as special agent for the Texas Indians expired on April 13, 1849;[100] but it was not until August 13, that John H. Rollins was appointed to that position.[101] After working a year and a half, Rollins submitted his views upon the Indian problem in Texas. Writing to Colonel Todd, March 25, 1851, he made the following points:

[98]31 Cong. 1 sess. vol. 3, pt. 2, (ser. 570), *H. Ex. Doc. 5*, 964.

[99]U.S.D.W., A.G.O., *Old Records Division: Headquarters of the Army*, B 77/1850.

[100]Orlando Brown to Neighbors, August 11, 1849. U.S.D.I., O.I.A., *Letter Book No. 42*, 285.

[101]Orlando Brown to Rollins, August 13, 1849. *Ibid.*, 287.

3d. . . . Nothing short of a country for the Indians, over which the laws of the United States regulating our Indian intercourse and relations were extended, together with a temporary support for the Indians, could be safely adopted as a permanent policy.

4th. That to obtain a country for the Indians was necessarily the first thing to be done; and that without this all efforts, however honestly and energetically made for the purpose of securing a permanent and reliable peace, would be transient in their effects and abortive in their results.

5th. That it would be incalculably less expensive to purchase a country for the Indians, remove them to it, and support them until they had made some advance in agriculture, than to attempt to deprive them by force of a country which they very properly thought their own. . . . [102]

Rollins died in office in September, 1851. In January, 1852, George T. Howard was appointed to the vacant post.[103] In a letter to Luke Lea, June 1, 1852, Howard said:

I would also respectfully represent to the Dept. the absolute necessity for some provision being made for the settlement of these Indians, and for supplying them with the necessary means to commence the cultivation of the soil.[104]

Seven months later, on January 10, 1853, he again wrote to Lea, giving his plans in greater detail:

[In the course of a conversation with Governor Bell of Texas, he] informed me that he intended to urge upon the Legislature the importance of appropriating a Territory for Indian occupancy. Should this land be donated by the State, which I am of opinion will be done from my conversation with members of the Legislature—and the Congress of the United States make suitable appropriations for their settlement, I am satisfied that there will be but little difficulty thereafter in controlling the Indians.[105]

[102]32 Cong. 1 sess. vol. 2, pt. 3, (ser. 636), *H. Ex. Doc. 2,* 518.

[103]Luke Lea to Howard, January 9, 1852. U.S.D.I., O.I.A., *Letter Book No. 45,* 345-346.

[104]U.S.D.I., O.I.A., General Files, *Texas,* H 105/1852.

[105]*Ibid.,* H 191/1853.

A joint committee of the two houses of the Texas legislature was appointed in January, 1853; soon thereafter its members unanimously expressed themselves in favor of designating a territory for Indian occupancy.[106] A bill was framed, by which the territory extending "in a north westerly direction, beginning about the 33d degree of latitude" and embracing "that portion of country known as the Washita region," was to be set apart for the Indians.[107] This measure "received the sanction of the Senate and passed the second reading in the house," but was finally defeated by "the factious opposition of a small minority."[108]

Thus we have noted the attitude of four men—Major Neighbors, Major General Brooke, John H. Rollins, and George T. Howard—upon the Indian problem in Texas. Two inferences are plain. (1) In spite of minor differences, the opinions of these men were basically alike. They all urged that a portion of the public lands of the state be set aside for the Indians; and that the lands so designated should be placed under the laws of the United States relative to the administration of Indian affairs. (2) To do this, it was necessary to change the laws of Texas, so as to accord to the United States more effective jurisdiction over its wards, residing within the state, than it already enjoyed. It will be recalled that the United States enjoyed a nominal sovereignty over the Texas Indians; and that that sovereignty had been acknowledged by the treaty of 1846. Agents and sub-agents for the Texas tribes were appointed and removed by the authorities in Washington. Nominally, the federal government also controlled trade and intercourse with the Texas Indians; but so long as the state retained exclusive jurisdiction over its public lands, the United States could not hope to make that control effective.

[106]Howard to Lea, n. d., probably late January, 1853. *Ibid.*, H 197/1853.
[107]*Ibid.*
[108]Same to same, March 1, 1853. *Ibid.*, H 211/1853.

Robert S. Neighbors was reappointed as special agent for the Texas Indians on May 9, 1853.[109] From that time until his assassination in the fall of 1859, Neighbors devoted the larger portion of his energies to the development of the reservation system.

The establishment of Indian reserves in Texas was made possible by a law passed by the state legislature on February 6, 1854.[110] According to that law the United States was authorized to select and survey twelve leagues of vacant domain, for Indian purposes, not "situated more than twenty miles south or east of the most northern line of military posts, established by the government of the United States, and extending from Red River to the Pecos River." It was further provided:

> Sec. 5. That the government of the United States, as soon as the above twelve leagues of land, or so much thereof as may be deemed necessary, shall have been selected or purchased and distinctly marked, shall be and is hereby authorized to establish upon said land whatever agencies and military posts may be deemed necessary; and to settle upon said land such Indian tribes or bands of Indians as belong within the limits of Texas; and shall exercise entire control and jurisdiction over said Indians within said limits, so long as said government shall judge such control and jurisdiction necessary to the well being of said Indians. Provided, that whenever the land or any district thereof, selected or purchased as herein provided, shall cease to be used for Indian purposes, the jurisdiction herein ceded shall cease, and such portion of said land as shall be taken from the public domain of this State, shall revert, together with all and singular the improvements made thereon, to the State. . . .

[109]G. W. Manypenny to Neighbors, May 9, 1853. U.S.D.I., O.I.A., *Letter Book No. 47,* 201. Howard was not removed because Neighbors was appointed; but he had to recognize Neighbors as his official superior. See Manypenny to Howard, May 9, 1853. *Ibid.,* 200-201. Howard kept his position until the end of June, 1855. See Neighbors to Manypenny, April 28, 1855. U.S.D.I., O.I.A., General Files, *Texas,* N 422/1855.

[110]A copy of the law is in U.S.D.I., O.I.A., General Files, *Texas,* —/1855.

The War Department appointed Captain R. B. Marcy to coöperate with Major Neighbors in selecting and surveying the reserves. Leaving Fort Belknap on July 15, 1854,[111] the two men proceeded, during the remainder of the summer, to select and examine two possible reservations. The larger of the two was located on the main fork of the Brazos River, some fifteen miles south of Fort Belknap, and consisted of eight leagues, or 37,152 acres. The other reservation—upon which the Comanches were ultimately located—was on the Clear Fork of the Brazos, at Camp Cooper, forty-five miles west of the Brazos agency. It contained 18,576 acres.[112]

In a letter to C. E. Mix, dated October 30, 1854,[113] Neighbors detailed his plans for the inauguration of the reservation system. "The Indians for which provision is proposed to be made," he remarked, "are now scattered across our whole frontier." But the Caddoes and Ionies had removed to the Brazos reserve "without assistance or encouragement;" and, in general, things seemed hopeful. Thanks to the usual official dilatoriness, it was not until February 2, 1855, that Commissioner Manypenny wrote a letter of instructions and approval to Neighbors.

> Concurring in the main, in the plan of colonizing the Indians as indicated by you in your report of 30th October last, I have now to state that the duty is especially devolved on you, as the Supervising Agent of this Department within the State of Texas, to take charge of and execute this trust. You will call to your aid your colleagues, Messrs Hill and Howard, assigning to them such portion of the duty as in your judgment may be proper.[114]

On March 5, the annual appropriation bill was approved. It provided $86,430 "To meet the necessary expenses of colon-

[111]R. B. Marcy, *Thirty Years of Army Life on the Border,* 180. (New York, 1866.)

[112]Koch, *op. cit.,* in *Southwestern Historical Quarterly,* XXIX, no. 2, (October, 1925), 99-100.

[113]U.S.D.I., O.I.A., General Files, *Texas,* N 325/1854.

[114]U.S.D.I., O.I.A., *Letter Book No. 50,* 449.

izing, supporting, and furnishing agricultural implements for the Indians in Texas;" and $15,000 to pay three agents, and four interpreters, and to provide presents for the Indians of that state.[115] Thus, over a year after the Texas legislature had placed its approval of the reservation system upon record, the legal mills of Congress—which always grind slowly—provided the means by which that system was to be made an actuality.

In March, 1855,[116] the more civilized of the Texas tribes—Caddoes, Wacoes, Tawakonies, Anadarkoes, Tonkawas, Keechies, and a few Delawares—began to colonize the Brazos reserve.[117] By September there were 794 Indians located upon it.[118] If the population of an Indian reservation may be taken as one index of its success or failure, we may regard the Brazos reserve as successful throughout its short career. Its population was reported as follows:

September 18, 1856..... 948.[119]
September 11, 1857.....1,014.[120]
September 16, 1858.....1,112.[121]

This reserve was also fairly successful agriculturally. As early as June, 1855, there were 400 acres of corn, beans, and pumpkins under cultivation.[122] In 1856, due to the grass-

[115]10 *U. S. S. L.*, 698.

[116]Neighbors to Manypenny, March 20, 1855. U.S.D.I., O.I.A., General Files, *Texas*, N 407/1855.

[117]George W. Hill was in charge of the Brazos agency from May, 1853, until the end of August, 1855. He was succeeded by S. P. Ross, who held the position until September, 1859.

[118]Neighbors to C. E. Mix, September 10, 1855. 34 Cong. 1 sess. vol. 1, (ser. 840), *H. Ex. Doc. 1*, 498.

[119]Neighbors to Manypenny, September 18, 1856. 34 Cong. 3 sess. vol. 2, (ser. 875), *Sen. Ex. Doc. 5*, 724.

[120]S. P. Ross to Neighbors, September 11, 1857. 35 Cong. 1 sess. vol. 2, (ser. 942), *H. Ex. Doc. 2*, 557.

[121]Neighbors to C. E. Mix, September 16, 1858. 35 Cong. 2 sess. vol. 2, pt. 1, (ser. 997), *H. Ex. Doc. 2*, 525.

[122]Neighbors to Manypenny, June 10, 1855. U.S.D.I., O.I.A., General Files, *Texas*, N 448/1855.

hoppers and to an excessively hot and dry summer, "The farms did not yield as abundantly as was expected; indeed there was not enough raised for the subsistence of the people of the reserve, notwithstanding the extraordinary exertions of the Indians themselves."[123] Therefore Agent Ross had to buy food in the open market. The year 1857 was more successful. Five hundred and forty acres were under cultivation, upon which 8,000 bushels of corn and 1,560 bushels of wheat were raised.[124] Thus the existence of the Brazos reserve was justified; and Major Neighbors was pleased with the achievements of its Indian inhabitants. As he wrote to Commissioner J. W. Denver, September 16, 1857:

> Their success in crops and the condition of their stock justify us in the conclusion that they will, in a very short period of time, be able to subsist themselves without the aid of the government. . . . The result obtained up to this date will fully sustain the colonizing policy as the best and most economical that has ever been introduced among our wild tribes. . . .[125]

If the story of the Brazos reserve may be regarded as the Song of Hope of a small number of Texas Indians, such cannot be said of the history of the Comanche reservation upon the Clear Fork of the Brazos River. Tragic as was that history, it was but the prelude to a darker tragedy. The attempt to maintain the Comanche reservation, in spite of the ever-increasing hostility with which most Texans regarded its inhabitants, was fatal to Neighbor's policy, and resulted in his assassination.

The Comanche reserve was colonized by Southern Comanche Indians, near the close of May, 1855. By September there

[123]S. P. Ross to Neighbors, September 30, 1856. 34 Cong. 3 sess. vol. 2, (ser. 875), *Sen. Ex. Doc. 5,* 730.

[124]Neighbors to J. W. Denver, September 16, 1857. 35 Cong. 1 sess. vol. 2, (ser. 942), *H. Ex. Doc. 2,* 550.

[125]*Ibid.,* 551.

were 277 Indians located upon it.[126] Its population, during the three following years, was reported as follows:

September 18, 1856..... 557.[127]
September 16, 1857..... 424.[128]
September 16, 1858..... 371.[129]

These Indians were a wild and relatively uncivilized set, utterly unaccustomed to, and ignorant of, agriculture and all that pertained thereto. But they were willing to learn. John R. Baylor, their agent, wrote to Neighbors, September 12, 1856:

As soon as the season for farming operations arrived, having previously had a field prepared, farming utensils, seeds, &c., procured, I called a council of the Indians and endeavored to impress upon them the necessity there was for at once adopting agriculture as a means of subsistence, and endeavored to show them the many advantages to be derived from it; to all of which they heartily assented, and assured me they were ready to be governed by my wishes, and at any time, when called on, begin planting; they, however, acknowledged their entire ignorance of even the rudest methods of agriculture, having never planted a seed of any kind.

With the assistance of a farmer,

they soon planted their crops, consisting of corn, melons, beans, peas, pumpkins, &c., which they cultivated remarkably well.[130]

The next year Agent Leeper[131] complained that the Comanches were not successful stock-raisers, "having suffered their cattle to stray." Leeper collected as many of the cattle as he

[126]Neighbors to C. E. Mix, September 10, 1855. 34 Cong. 1 sess. vol. 1, (ser. 840), *H. Ex. Doc. 1,* 498.

[127]Neighbors to Manypenny, September 18, 1856. 34 Cong. 3 sess. vol. 2, (ser. 875), *Sen. Ex. Doc. 5,* 724.

[128]Neighbors to Denver, September 16, 1857. 35 Cong. 1 sess. vol. 2, (ser. 942), *H. Ex. Doc. 2,* 551.

[129]Neighbors to C. E. Mix, September 16, 1858. 35 Cong. 2 sess. vol. 2, pt. 1, (ser. 997), *H. Ex. Doc. 2,* 525.

[130]34 Cong. 3 sess. vol. 2, (ser. 875), *Sen. Ex. Doc. 5,* 728.

[131]M. Leeper succeeded Baylor in the Comanche agency on March 14, 1857. Manypenny to Leeper, U.S.D.I., O.I.A., *Letter Book No. 56,* 257.

could and had them branded.[132] In 1858, H. P. Jones, the farmer at the Comanche reserve, reported that the Indians thereof had ninety-six acres "in a good state of cultivation."[133] This was but a small amount, when compared with the 540 acres that were under cultivation upon the Brazos. As a matter of fact, the Comanches never became successful farmers.

The reservation system in Texas ultimately failed "because of the antagonism of the whites and the continued depredations of the Indians."[134] The fact that the depredations were committed by non-reservation Indians—mostly Northern Comanches—in no way mitigated the unreasonable hostility with which the Texans regarded the reservees. During April, 1856, some thirty Northern Comanches indulged in a horse-stealing raid in the vicinity of San Antonio. They were pursued, some of the stolen horses were recovered, and twelve or fifteen Indians were killed. To pursue and punish Indians truly guilty of horse-stealing was only frontier justice; but some malicious whites proceeded to circulate a report "That a portion of the depredating Indians were settlers on the reservations." This was flatly denied by Neighbors:

> There has been no act of hostility or depredation as yet traced to any Indian who has become an actual settler. Should such be the case I will at once report it.[135]

Conditions rapidly grew worse. The very fact that Major Neighbors and his agents—Ross at the Brazos, and Leeper at the Comanche reserve—stood by the Indians who had placed themselves under their protection, seems to have increased the hostility with which the Texans regarded them.

[132]M. Leeper to Neighbors, September 13, 1857. 35 Cong. 1 sess. vol. 2, (ser. 942), *H. Ex. Doc. 2*, 556.

[133]H. P. Jones to Leeper, August 20, 1858. 35 Cong. 2 sess. vol. 2, pt. 1, (ser. 997), *H. Ex. Doc. 2*, 532.

[134]Koch, *op. cit.*, 113.

[135]Neighbors to Manypenny, April 8, 1856. U.S.D.I., O.I.A., General Files, *Texas*, N 63/1856.

In a report to Neighbors, August 20, 1858, Leeper gave a vivid picture of conditions upon the Texas frontier.

> During last winter and spring very many depredations and some murders were committed on this part of the frontier, which naturally produced the highest degree of excitement and the most virulent indignation against Indians generally. Knowing this to be the case, on the 20th of January last I forbade the Indians located here from leaving the [Comanche] reserve, lest they might perchance meet with citizens or soldiers and be mistaken for those who are hostile and receive treatment accordingly. . . . The depredations, however, were still continued, and many trails of stolen horses were traced in the direction of the reserve; some quite near, evidently to draw the attention of the community to the fact, and to cast censure upon the reserve Indians. These facts were seized upon by one or two reckless and designing men in the neighborhood, exaggerated ten fold, and circulated far and near with so much adroitness and plausibility that many honest men were induced to believe the stories; the consequence was, that the Indians on the reserve were daily threatened with extermination by the people under whose law and government they had taken protection.[136]

One of the "reckless and designing men" mentioned by Leeper was, perhaps, his own predecessor in the Comanche agency—John R. Baylor. Baylor had been dismissed from the Indian service in March, 1857, on charges of misconduct in office. Since that time, he had turned most of his energies against the Indians whom he had formerly served. In the small hours of the morning of December 27, 1858, a party of whites stole upon an encampment of seventeen Indians, on the Keechie Creek, near the Brazos agency, and, while the latter were yet asleep, opened fire, killing four men and three women, and wounding several others.[137] This utterly horrible deed was perpetrated by Allison Nelson, John R. Baylor, and

[136]35 Cong. 2 sess. vol. 2, pt. 1, (ser. 997), *H. Ex. Doc. 2,* 527-528.

[137]J. J. Sturm to S. P. Ross, December 28, 1858. 36 Cong. 1 sess. vol. 1, (ser. 1023), *Sen. Ex. Doc. 2,* 588-589.

Mr. Alexander, "with the addition of their tools, Captain Garland and his party."[138] Yet no arrests were effected, because Captain John S. Ford—who was instructed to arrest the murderers—felt that he could not act until the civil power had proved "inadequate to effect the arrests."[139] The truth of the matter was that his sympathies were altogether with the men whom he had been ordered to capture.[140]

So matters drifted on from bad to worse. In a letter to J. W. Denver, February 14, 1859, Neighbors recommended that the Texas reservees "should be moved to reserves across Red River."[141] The recommendation was repeated on February 22.

> I hope and trust . . . that you will act at once . . . and consent to the removal of the Indians now settled on the reserves, to the country east of the Red river, and abandon the reserves to the lawless bands of white barbarians who now infest that portion of our State, and set the laws of both the State and general government at defiance.[142]

These letters—and others of like tenor—made the Office of Indian Affairs realize that the Texas reservations would have to be abandoned, and their inhabitants moved beyond the limits of the state. The policy of removal was sanctioned by C. E. Mix, who wrote to Neighbors, March 30, 1859:

> From the information communicated in your several reports and otherwise obtained it has become painfully manifest that the colonization of the Indians of Texas on the two reservations heretofore selected, must be discontinued, the reservations abandoned, the Indians removed where they can be protected from lawless violence, and effective measures adopted for their domestication and improvement. Measures for that purpose will therefore be adopted with as little delay as practicable.

[138]Neighbors to J. W. Denver, January 30, 1859. *Ibid.*, 595.
[139]J. S. Ford to E. J. Gurley, January 22, 1859. *Ibid.*, 606.
[140]Neighbors to Denver, February 14, 1859. *Ibid.*, 604.
[141]*Ibid.*, 605.
[142]Same to same. *Ibid.*, 620-621.

The only place to which they can be removed and permanently located, is the section of country leased from the Choctaws and Chickasaws, lying between the 98th and 100th [degrees] of west longitude. . . .

. . . You will communicate to the authorities and people of Texas the fact that the Indians are to be removed . . . and use your best exertions to induce them to refrain from molesting them.[143]

On the same day that he wrote to Neighbors, Mix instructed Superintendent Elias Rector, of the Southern superintendency, to "determine upon the proper places for locating and colonizing the Texas . . . Indians."[144]

It had been hoped that the Texas Indians could remain upon their reserves until the fall of the year, and so be enabled to harvest their crops. But in May events took a very serious turn. On the 23rd of that month, John R. Baylor, with 250 men, attacked the Indians upon the Brazos reserve. The latter were defended by United States troops under the command of Captain J. B. Plummer. Five of Baylor's men were killed, as were two Indians.[145] As a result of this fight, Governor H. R. Runnels appointed five men—George B. Erath, Richard Coke, J. M. Smith, John Henry Brown, and J. M. Steiner—to act as peace commissioners. Their instructions—which were dated June 6, 1859—made the removal of the reserve Indians "beyond the limits of the State at an early day" a *sine qua non*.[146]

As a matter of fact, Neighbors and his agents realized that the only way to save the Indians in question was to move them, and that promptly. On June 11, 1859, Commissioner A. B. Greenwood sent a letter of instructions to Neighbors, by which the immediate removal of the Texas reserve Indians was

[143]U.S.D.I., O.I.A., *Letter Book No. 60,* 384-385.

[144]*Ibid.,* 386-387.

[145]J. B. Plummer to Assistant Adjutant General, May 23, 1859. 36 Cong. 1 sess. vol. 1, (ser. 1023), *Sen. Ex. Doc. 2,* 644-645.

[146]36 Cong. 1 sess. vol. 1, (ser. 1023), *Sen. Ex. Doc. 2,* 657-658.

authorized.[147] On June 15, Greenwood instructed Elias Rector to be ready to coöperate with Neighbors in the "selection of localities suitable for Indian settlements" near the Wichita agency.[148] Near the end of June, Major Neighbors, "accompanied by some of the principal chiefs of the several tribes from the reserves in Texas," proceeded to Fort Arbuckle. There he met Elias Rector, who had just returned from the Wichita Mountains, "he having examined this country and selected the lands for the location of the . . . Texas Indians."

On the 1st of July all the Indians present were assembled in council, the wishes and action of the government made known to them fully by Mr. Rector and myself, as well as his action in regard to the locations selected for them; all of which proved satisfactory, and I am fully convinced that the Texas Indians will be now better reconciled to their change of location than they were before the talk with Superintendent Rector and the people now assembled here.[149]

On August 1, Major Neighbors left the Brazos agency with 1,050 Indians.[150] He was joined, on August 8, at the crossing of the Red River, by Agent Leeper and 380 Comanches. On the sixteenth of the month Fort Cobb was reached, and the Indians were at last out of the "heathen land of Texas; out of the land of the Philistines."[151] They had been protected, while en route, by an escort consisting of one company of infantry and two companies of cavalry, under the command of Major George H. Thomas.[152]

[147] *Ibid.*, 651.

[148] *Ibid.*, 652.

[149] Neighbors to Greenwood, July 4, 1859. *Ibid.*, 683-684.

[150] For estimate of the number of Indians moved see, Neighbors to A. B. Greenwood, July 24, 1859. *Ibid.*, 687.

[151] Neighbors to Mrs. Lizzie A. Neighbors, August 8, 1859. University of Texas Library. Quoted in Koch, *op. cit.*, 122.

[152] Neighbors to Greenwood, August 18, 1859. U.S.D.I., O.I.A., General Files, *Wichita*, G 120/1860.

The Indians having been thus successfully moved, Major Neighbors returned to Fort Belknap. On the morning of September 14, having gone into the town to attend to some business matters, he was assassinated by "an entire stranger. . . . This tragical affair was said to have been occasioned by pretty free conversations on the part of Major Neighbors on account of the killing of a Reserve Indian not long since."[153] Thus died one of the best men that had ever been in the employ of the Indian Department.

[153]M. Leeper to A. J. Mackay, September 15, 1859. *Ibid.*

VII

THE END OF THE INDIAN COUNTRY

WE have already noted that the "permanent Indian frontier" from the Great Lakes to Texas remained an actuality only during the eighteen-forties. The vast emigration to the Far West, which followed the close of the Mexican War, and which was responsible for the organization of the territories of Oregon (1848), Utah (1850), and New Mexico (1850), and the state of California (1850) was also responsible for the collapse of the Indian frontier.[1] Already, in 1850, the Indian Country was encircled by a ring of states and organized territories; already its very existence was threatened by an ever-increasing sentiment in favor of organizing the greater portion of it as Nebraska Territory. We shall first study the treaties of Fort Laramie and Fort Atkinson, they being indicative of an increasingly intimate contact with the prairie tribes, due, very largely, to increasing transcontinental migration. We shall then note the part played by the Indians as a factor in the organization of Nebraska and Kansas.

In his annual report for 1849, Superintendent D. D. Mitchell, of the Central superintendency, made the statement:

> I have already had the honor to urge upon the department the necessity of holding a general council, to assume the character of a treaty, with the wandering tribes inhabiting the plains, extending from Missouri to the borders of Texas. I would even go farther, and extend the invitation to meet in general council to the hostile tribes of New Mexico. The Indians could be assembled at any designated point—say Bent's Fort, the crossing of the Arkansas, or Fort Laramie on the river Platte.

Mitchell continues, giving his reasons for holding such a treaty:

[1] *Ante*, 7-9.

It will be recollected that we have never entered into anything like formal treaty stipulations with most of these tribes, at least not such as they felt bound to respect or observe. Hence, the many depredations which they have annually committed, they considered legitimate warfare and perfectly justifiable, as a retaliation for the destruction of their buffalo, timber, grass, &c., caused by the vast numbers of whites passing through their country without their consent. I am clearly of opinion that a treaty, such as I have suggested, would do more towards establishing friendly relations with the prairie tribes than all the efforts that have heretofore been made; at all events it can do no harm, and the expense would be less than that of a six months war on the plains and mountains of New Mexico.[2]

As Superintendent Mitchell meditated over his plans, they grew in scope. In a letter to Orlando Brown, March 9, 1850, he made several proposals.

First. We wish to divide the Indian country into geographical districts, assigning to each tribe such portions of territory as they claim and occupy; . . . It is proposed to hold each tribe responsible for *all* depredations committed on their own soil.

It was further proposed: (2) That "such Mexican prisoners as may be found in possession of the Indians" be purchased. (3) That $40,000 worth of Indian goods be distributed each year among the different tribes, in proportion to their numbers. (4) That a small delegation from each tribe be sent to visit Washington and other eastern cities.[3]

All this was approved by Orlando Brown,[4] and submitted by him to David R. Atchison, at that time chairman of the Senate Committee on Indian Affairs. Senator Atchison presented a bill, on March 18, 1850, together with a report,[5] portions of which were copied from Mitchell's letter of October 13, 1849.

[2]Mitchell to Orlando Brown, October 13, 1849. 31 Cong. 1 sess. vol. 3, pt. 2, (ser. 570), *H. Ex. Doc. 5*, 1070.

[3]31 Cong. 1 sess. vol. 1, (ser. 563), *Sen. Miss. Doc. 70*, 4.

[4]*Ibid.*, 5.

[5]*Ibid.*, 1-2.

The bill, by which it was proposed to appropriate $200,000 "to hold a treaty with the various prairie and mountain tribes," passed the Senate unanimously, but "the unhappy difficulties existing on the subject of slavery delayed the Senate bill in the House of Representatives until it was too late to be carried into effect during the present year."[6] Superintendent Mitchell, far from giving up his projects upon their defeat, continued earnestly to recommend them. His persistence was at last rewarded. By an act of February 27, 1851, $100,000 were appropriated "For the expenses of holding treaties with the wild tribes of the prairie."[7]

Three months later, D. D. Mitchell and Thomas Fitzpatrick —the agent for the Indians on the Upper Platte and Arkansas rivers—were "designated . . . as the officers of this [Indian] department to be charged with the duty of carrying the objects of the appropriation into effect."[8]

Having received their instructions, Superintendent Mitchell and Agent Fitzpatrick called the Indians to meet in council at Fort Laramie on September 1. Thither they flocked—Sioux, Cheyennes, Arapahoes, Crows, Assinaboines, Gros Ventres, Arrickaras, and Shoshones.[9] Upon the arrival of the superintendent and his party, on the last day of August, the council was formally opened. Affairs seem to have been settled with

[6]Mitchell to Luke Lea, September 14, 1850. 31 Cong. 2 sess. vol. 1, (ser. 587), *Sen. Ex. Doc. 1,* 47-48.

[7]9 *U. S. S. L.,* 572.

[8]Luke Lea to Mitchell, May 26, 1851. U.S.D.I., O.I.A., *Letter Book No. 44,* 403.

[9]Thomas Fitzpatrick visited the southern part of his agency early in June, 1851; and invited the Comanches, Kiowas, and Apaches to attend the Fort Laramie Council. They "at once refused going so far off, and among so many strange Indians; stating that they had too many horses and mules to risk on such a journey, and among such notorious horse thieves as the Sioux and Crows. They stated, also, . . . that any business of the kind transacted between them and the United States must be done on the Arkansas river, or in their own country."—Fitzpatrick to Luke Lea, November 24, 1851. 32 Cong. 1 sess. vol. 2, pt. 3, (ser. 636), *H. Ex. Doc. 2,* 333.

less difficulty than was reasonably to be expected. Mitchell's report has an optimistic ring.

We were eighteen days encamped together, during which time the Indians conducted themselves in a manner that excited the admiration and surprise of every one. The different tribes, although hereditary enemies, interchanged daily visits, both in their national and individual capacities; smoked and feasted together; exchanged presents, adopted each others children according to their own customs, and done all that was held sacred, or solemn in the eyes of these Indians, to prove the sincerity of their peaceful and friendly intentions—both amongst themselves, and with the citizens of the United States, lawfully residing among them, or passing through the country.[10]

On September 17, the Treaty of Fort Laramie[11] was signed by representatives of each of the tribes present, except the Shoshones—who did not belong within the Central superintendency.[12] The more important articles thereof may be briefly summarized.

Art. 1. Provided for the establishment and maintenance of intertribal peace.

Art. 2. The Indians recognized "the right of the United States Government to establish roads, military and other posts, within their respective territories."

Art. 4. The signatory tribes agreed "to make restitution . . . for any wrongs committed after the ratification of this treaty, by any band or individual of their people, on the people of the United States, whilst lawfully residing in or passing through their respective territories."

Art. 5. Defined the territory to be held by each of the signatory tribes.

Art. 7. Provided for the distribution of $50,000 per year, for a period of fifty years, among the signatory tribes.

[10]Mitchell to Luke Lea, November 11, 1851. U.S.D.I., O.I.A., General Files, *Central Superintendency,* M 1599/1851.

[11]Kappler, *op. cit.,* II, 440-442.

[12]*Ante,* 135.

The Senate ratified the treaty on May 24, 1852, with an amendment which provided that the annuities—though originally promised for fifty years—were to be paid for ten years only. The Cheyennes, Sioux, and Arapahoes ratified this amendment;[13] the other tribes did not. The treaty, therefore, was never completed by all parties; but the government "considered itself bound by its provisions and appropriated money regularly to carry them out."[14] Whatever else may be said concerning it, there can be no doubt that the Treaty of Fort Laramie utterly failed to preserve peace. The murder of Lieutenant Grattan and his party in August, 1854, followed by Harney's campaign against the Sioux, and the troubles with the Cheyennes, all attest the hopelessness of "peace treaties" with the wild tribes of the prairies.

As the powerful tribes inhabiting the southern part of the prairies—Comanches, Kiowas, and Apaches—had refused to attend the Laramie Council,[15] it was necessary to hold a separate council with them. Fort Atkinson seemed to be the place best suited for such a meeting, it being the natural rendezvous of the Indians concerned. All through the spring and summer of 1852 that post was besieged by Indians, all of whom wanted presents, whether a council was held or not. The situation was not improved by the protracted absence of Agent Fitzpatrick, and the consequent management of Indian affairs by army officers.[16] Nor was it until August 30, that Congress appro-

[13]Fitzpatrick to A. Cumming, November 19, 1853. 33 Cong. 1 sess. vol. 1, (ser. 690), *Sen. Ex. Doc. 1,* 367.

[14]J. C. Malin, *Indian Policy and Westward Expansion,* 93. University of Kansas *Humanistic Studies,* II, no. 3. Lawrence, Kansas, 1921.

[15]Fitzpatrick to Lea, November 24, 1851. 32 Cong. 1 sess. vol. 2, pt. 3, (ser. 636), *H. Ex. Doc. 2,* 333.

[16]In this connection the subjoined documents will be of interest:

(1) Captain S. B. Buekner to D. D. Mitchell. Fort Atkinson, March 10, 1852.

"Sir:

It is most likely that there will be a very large assemblage of Indians at this post very early in the spring; amongst others there will probably not

priated $20,000 "For presents to the Comanches, Kiaways, and other Indians on the Arkansas River, and to enable the President to treat with said Indians."[17] Needless to say, by that time the season was too far advanced to make the necessary

be less than two thousand lodges of Comanches. From the information I have received their intentions in visiting this line are of a doubtful character. In any event I think it would be advisable for you to have an Agent here as early as practicable with presents for distribution amongst these Indians. I communicate this information in order that you may take such steps as you may deem essential to establish pacific relations with those bands which may be assembled here."—U.S.D.I., O.I.A., General Files, *Central Sup't'y,* M 177/1852.

(2) Same to same. Fort Atkinson, May 9, 1852.

"Sir:

On the 10th of March last I addressed you a note, in which I informed you of the great probability that a large number of Comanches would visit this vicinity in a short time. Since that date I have had an interview with some of their principal chiefs. A large portion of the nation is encamped within two or three days journey south of this post—where, they inform me, it is their intention to remain until they receive some intelligence concerning Major Fitzpatrick whom they expect to meet here soon. They suppose that he is to meet them with a supply of presents &c.

"Large bands of the Kioways, Cheyennes, and Arrapahoes, and some of the Apaches, are also in this immediate vicinity.

"I need not urge upon you the propriety of sending an Agent to these Indians at as early a day as possible; for you are aware how much restricted are the powers of a military commander when he is called upon to discharge the duties of Indian Agent. I am now placed in a peculiarly embarrassing situation. My predecessors in command were informed a year since that assurances had been given the Department commander by the Superintendent of Indian Affairs, that a supply of presents would be sent here for distribution amongst the Indians. In consequence of these assurances my predecessors in command have felt justified in stating to different tribes that presents would be at this post for them some time this spring. None have yet been received, though I represented the necessity of it in a communication addressed on the 20th of November last to the Head Quarters of the Department.

"You may easily conceive that the disappointment of the Indians at not receiving the expected presents is very great, and that it is exceedingly difficult to explain to them any probable causes which have prevented their arrival here. . . . "—*Ibid.,* M 255/1852.

See also, Lieutenant Henry Heth to Lea, June 25, 1852.—*Ibid.,* H 110/1852. Major R. H. Chilton to Lea, August 23, 1852.—*Ibid.,* C 157/1852.

[17]10 *U. S. S. L.,* 55.

preparations for, and hold, a great council. So, thanks to the usual slowness of Congress, the Fort Atkinson Council, which should have met in the summer of 1852, did not meet until July, 1853.

On May 5, 1853, Thomas Fitzpatrick was appointed "to conduct the negotiations authorized to be entered into with the Indians on the Arkansas."[18] On July 27 he negotiated a treaty with the Comanches, Kiowas, and Apaches, at Fort Atkinson.[19] The most important provisions thereof may be briefly summarized.

ART. 1. Provided for perpetual peace and friendship between the United States and the signatory tribes.

ART. 2. Provided for intertribal peace.

ART. 3. "The aforesaid Indian tribes do also hereby fully acknowledge the right of the United States to lay off and mark out roads and highways, to make reservations of land necessary thereto—to locate depots—and to establish military and other posts within the territory inhabited by the said tribes; and also to prescribe and enforce, in such manner as the President or Congress of the United States shall from time to time direct, rules and regulations to protect the rights of persons and property among the said Indian tribes."

ART. 5. The signatory tribes agreed "to refrain in future from warlike incursions into the Mexican provinces."

ART. 6. Provided for the distribution of $18,000 per year, for a period of ten years, among the signatory tribes. Said annuities could, upon the approval of the president, be extended for an additional five years.

The crux of this treaty lay in its third article. In his report to Alfred Cumming, dated November 19, 1853, Fitzpatrick said:

[18]Manypenny to Fitzpatrick, May 5, 1853. U.S.D.I., O.I.A., *Letter Book No. 47*, 181-182.

[19]Kappler, *op. cit.*, II, 445-447.

. . . In view of the fact that at no distant day the whole country over which those Indians now roam must be peopled by another and more enterprising race, and also of the consideration that the channels of commerce between the east and the west will eventually, in part at least, pass through their country, it was regarded as incumbent to provide, as far as practicable, for any action the government might see proper to take upon that subject. Already the idea of a great central route to the Pacific by railway has become deeply impressed upon the public mind; and while many courses are contemplated, two of them at least are designated as passing through this section of country. Should the results of explorations now in progress determine it thus, the acknowledgement contained in this clause [Art. 3] of the treaty may be found of inestimable value. It will afford all the concession necessary for locations, preemptions, reservations, and settlements, and avoid, besides, the enhanced costs of secondary treaties with those tribes.[20]

Such was Agent Fitzpatrick's view of the Fort Atkinson Treaty. A similar interpretation might have been applied to the Laramie Treaty of 1851. Nor may the validity of that interpretation be even questioned; each succeeding year revealed an ever-increasing interest in the movement for a Pacific railroad. The desire for an organized territory through which such a railroad could be run was one of the most important reasons for the organization of Kansas and Nebraska in the spring of 1854.[21] Their organization—which was in direct contravention of that policy which had been responsible for the consolidation of the eastern tribes west of the Mississippi—brought about the final extinction of the Indian Country north of the area held by the Five Civilized Tribes, and the ultimate removal of many of the tribes from

[20]33 Cong. 1 sess. vol. 1, (ser. 690), *Sen. Ex. Doc. 1,* 362-363.

[21]J. C. Malin, *op. cit.,* 44-71. See also F. H. Hodder, "The Genesis of the Kansas-Nebraska Bill," in *Proceedings* of the State Historical Society of Wisconsin for 1912.

Kansas and Nebraska to Indian Territory,[22] while others were located upon reservations in the midst of that country over which they once had freely roamed.[23]

The hope that the terms of the treaties of Fort Laramie and Fort Atkinson would hold the respect of the Indians sufficiently to ensure the safety of the Oregon and Sante Fe trails proved groundless. All through the eighteen-fifties difficulties with the Indians of the prairies were endemic. I shall not attempt to give a detailed account of them, but shall limit myself to an account of a few typical cases. In August, 1854, an emigrant's ox was killed by a Brule Sioux Indian. This act was brought to the attention of Lieutenant John L. Grattan, who promptly decided to demand the surrender of the guilty Indian. Accordingly, on August 19, accompanied by an interpreter and twenty-nine men, he proceeded from Fort Laramie to the Sioux encampment near Bordeau's trading house on the north fork of the Platte, some eight miles from the fort. Lieutenant Grattan told his men "that the Indian he was about to demand must be taken, if not freely given up, at all hazards, even if he [Lieut. Grattan] died in the effort." Having arrived at the Sioux village, Chief Bear was requested to surrender the guilty Indian, but he refused to do so. A council was immediately called; but, most unfortunately, the interpreter was intoxicated, and, after grossly insulting the Indians, proceeded to threaten them with death at the hands of the troops. The result was tragic. Lieutenant Grattan and his entire command were killed, although they appear to have defended themselves bravely.[24]

[22]For example the Shawnee, Quapaw, Wyandotte, Sac and Fox, and Potawatomi.

[23]For example, the Yankton, Brule, and Sisseton Sioux were located upon reservations in South Dakota.

[24]The account of the death of Lieutenant Grattan and his command is based upon the testimony given by an eye-witness, Mr. O. Allen, to Assistant Adjutant General O. T. Winship, on September 16, 1854. General Winship has endorsed it as follows: "I regard this statement as the most reliable

As was to be expected, this act led to open hostilities with such bands of the Sioux as were concerned. The situation was aggravated, during the winter of 1854-1855, by the perpetration of several murders and robberies. On August 10, 1855, a new Indian agent, Thomas S. Twiss, assumed his duties at Fort Laramie.[25] He described the situation on the Upper Platte in a letter to Manypenny, dated October 1, 1855.

Immediately after my arrival at this post [Fort Laramie], on the 10th. August last, I began to collect information from all reliable sources, and to question the whites, Indians, traders, and others, who had been in the Indian country the last year, and during all of the late difficulties with the Sioux.

It was soon made clear to my mind that some portions of the Sioux bands, the Brules and Ogalallahs, had no share or part in the murders and robberies which had been committed during the last twelve months, and were really desirous and anxious to preserve and continue their friendly and peaceful relations with the United States, and were resolved not to be forced into war measures by the hostile party of their own bands.

Under these circumstances, and with the conviction that I must act promptly or not at all, I declared the North Platte the boundary between the hostile and friendly Sioux, and dispatched runners to the chief "Big Partizan," of the Brules, and to the chief "The-Man-Who-Is-Afraid-Of-His-Horses," of the Ogalallahs, the former to meet me at Bordeaux trading house, eight miles below the fort, and the latter at Ward and Guerrier's, eight miles above, on the North Platte, and bring to the council the principal men of these bands.

I met the chief Big Partizan, and the principal men of the Brules, on the 19th. August, and stated that they must prove to me by their acts and peaceful conduct that they were true friends; that my Sioux interpreter, who had traded with them for several winters, knew all of those who were engaged in the murder of the mail party in November last, and those also of the Brule band

one I have yet heard of the catastrophe of the 19 of August near Fort Laramie."—U.S.D.I., O.I.A., General Files, *Upper Platte,* U 476/1855.

[25]Twiss to Alfred Cumming, August 13, 1855. *Ibid.,* C 1590/1855.

who had committed depredations on the whites. I forbid these murderers & robbers from crossing to the south side of the Platte, and required the friendly Brules to drive away from amongst them all hostile Indians, on pain of being declared enemies if I should find one of these outlaws in their village.[26]

While Twiss was thus sincerely trying to bring about peace, the Sioux Expedition, under command of General William S. Harney, was headed westward for the express purpose of pushing the "war" to a successful conclusion. The issue between the military and civil authorities was clear-cut. Both hoped to reëstablish peace; but the former thought that the thorough chastisement of the Indians was necessary, and must be accomplished before any satisfactory peace treaty could be concluded. The latter, on the other hand, advocated a more peaceful method of attaining the desired end; viz., a great council should be held, and a definite attempt to establish peace should be made prior to the adoption of any drastic military measures.

The fates were against a peaceful solution of the difficulties. General Harney and his command arrived in the Sioux country late in August or early in September. On the evening of September 2, it was ascertained "that a large portion of the Brule band of the Sioux nation, under 'Little Thunder,' was encamped on Blue Water creek, about six miles northwest of Ash Hollow." Believing that Little Thunder and his band were hostile, Harney determined to attack their village on the morning of the third. Accordingly, Colonel P. St. George Cooke, with four companies of mounted men, was despatched to some sand buttes a short distance up the valley of the Little Blue, in order that he might effectively cut off the retreat of the Indians; while Harney, with five companies of the Sixth Infantry, proceeded to attack the village. Eighty-six Indians were killed, five wounded, and seventy women and children captured. The troops lost four killed and seven wounded.[27]

[26]34 Cong. 1 sess. vol. 1, (ser. 810), *H. Ex. Doc. 1, pt. 1,* 400-401.

[27]Harney to L. Thomas, September 5, 1855. 34 Cong. 1 sess. vol. 1, pt. 2, (ser. 841), *H. Ex. Doc. 1,* 49-51.

Commissioner Manypenny has pointed out the cruel injustice of this battle. The Indians killed were "an innocent band of Sioux, who were in nowise involved in the sad affair with Lieutenant Grattan's command." And Manypenny bitterly added:

> It is the common practice of our troops, when out on expeditions, to kill Indians whenever found, without care to know whether they be guilty or innocent.[28]

Though basically true as regards the battle of Little Blue Water Creek, Manypenny's statements are too obviously prejudiced to be taken literally. It must be remembered that even if the Indians whom Harney attacked were innocent, they were on the north side of the Platte at the time, in violation of the express orders of Agent Twiss: that all friendly Indians were to remain on the south side thereof. Their consequent punishment for crimes of which they were innocent, while undeniably cruel and utterly unjust, must be laid not only to Harney's desire to kill Indians, but also to their own disregard of explicit orders.

An effort for the restoration of peace was made in November, 1855, at which time Harney summoned the chiefs of the various hostile bands of the Sioux tribe to meet him in council at Fort Pierre on March 1, 1856. The council thus proposed was authorized by Secretary of War Davis on December 26.[29] Agent Thomas S. Twiss did not, however, approve of peace negotiations conducted entirely by the military, and accordingly prevented representatives of the Brule and Ogalallah Sioux from attending a preliminary council in February. The consequence was that General Harney instructed Colonel Hoffman (in command at Fort Laramie) "to restrict him [Twiss] in his intercourse to the Cheyennes and Arapahoes, and to inform

[28]Manypenny, *op. cit.*, 159.

[29]Davis to Harney, December 26, 1855. 34 Cong. 1 sess. vol. 12, (ser. 859), *H. Ex. Doc. 130,* 4-5.

him he was to have nothing to do with the Sioux."[30] So, when the great council met on March 1, Twiss was not present. It was attended by the usual quota of chiefs: Little Thunder of the Brules, Crow Feather of the Sans Arc, One Horn of the Minnecoujos, The-man-that-is-struck-by-the-Ree of the Yanktons, and others of varying degrees of eminence. After five days a treaty of peace was agreed upon,[31] by which the troubles with the Sioux were, temporarily, brought to an end. Though its terms were observed, the treaty of 1856 was never ratified by the Senate. The triumph of the military over the civil authorities at Fort Pierre in March was rendered futile by the visit which Twiss paid to Manypenny in May. The Commissioner had no love for Harney, and took pleasure in returning Twiss to Fort Laramie with full power as agent for the Indians on the Upper Platte.

The end of the Sioux difficulties did not mean the end of all Indian troubles on the plains. During 1854 and 1855 the Cheyennes, Arapahoes, and Pawnees caused considerable uneasiness. Robberies and murders were of far too frequent occurrence. Thus, late in May, 1856, a party of a dozen men under Mr. Phillips was robbed, and a cow belonging to him was shot, by Cheyenne Indians on the Big Sandy.[32] Early in June a number of Cheyennes and Arapahoes attacked an emigrant train fifteen miles from the crossing of the Little Blue, mortally wounded one Mr. Davis, and wounded another man less seriously. Besides this an ox was killed and the wagons were robbed of food, clothing, and blankets. "The Cheyennes have been pursuing this same outrageous course for some years past, but this time, in open and daring violation of the treaty just made by them it calls most loudly for punishment," wrote

[30]Harney to L. Thomas, February 28, 1856. U.S.D.W., A.G.O., *Old Files Section,* 170 H/1856.

[31]Minutes of Fort Pierre Council in 34 Cong. 1 sess. vol. 12, (ser. 859), *H. Ex. Doc. 130,* 13-39.

[32]H. W. Wharton to A. Pleasonton, June 7, 1856. U.S.D.W., A.G.O., *Old Files Section,* 322 H/1856, enclosure 1.

Captain H. W. Wharton to Captain A. Pleasonton.[33] To say that their misdeeds called "loudly for punishment," and to bring about that punishment were two different things. Affairs seem to have gone from bad to worse. On August 25 a party of Cheyennes attacked a train belonging to Almon W. Babbitt, the Secretary of Utah. A few men were killed, as was a young child. Mrs. Wilson, the child's mother, was carried into captivity. Five days later another attack was made, some eighty miles above Fort Kearny, which resulted in the death of one man, and the capture of a woman and a four-year-old boy. On September 6 two men, one woman, and a child were killed 150 miles from the same post.[34] More examples could be given, but the catalogue of depredations is already long enough.

On September 22 Agent Twiss held the first of a series of councils with the Cheyenne chiefs. "I admonished the Chiefs that the Cheyennes had placed themselves in a hostile attitude to their 'Great Father' by the late outrages committed near Fort Kearney, by the murder of innocent & helpless women & children & by still holding some of those taken captive." A second council met on October 8, at which Old Soldier, the head chief of the Cheyennes, was present. Twiss reiterated the advice that he had given in September. Finally, on October 15, forty-two chiefs assembled at the Upper Platte agency. Early the following morning a council was convened, and a general cessation of hostilities was agreed upon. Later in the day Chief White Crow arrived, and surrendered a white boy whom he had intended to adopt as his brother. A woman who had been held captive, and who was to be delivered to Twiss at the same time, had escaped.[35]

[33]Same to same, June 10. *Ibid.*, enclosure 2.

[34]H. W. Wharton to Alfred Cumming, September 17, 1856. U.S.D.I., O.I.A., General Files, *Central Superintendency,* C 535/1856.

[35]Twiss to Manypenny, November 7. *Ibid., Upper Platte,* T 118/1857.

During the remainder of 1856 and the spring and early summer of 1857 the Cheyennes remained peaceful.[36] But very foolish counsels prevailed in the War Department. On April 10, Secretary of War John B. Floyd wrote to Secretary of the Interior J. Thompson:

> Colonel Sumner and Lieut. Col. Johnston, 1st Cavalry, are charged with the conduct of expeditions this summer to keep the peace of the plains and to punish past offences against the United States, especially those committed by the Cheyenne and Kioway Indians.[37]

Thus a Secretary of War who had been in office for one month saw fit to disrupt the peace which had been made with the Cheyennes by Agent Twiss during the preceding fall; and in order to punish the Indians for misdeeds which they had committed between 1854 and 1856 (and which had since been forgiven by the Indian Office) it was deemed expedient to endanger the life of every person crossing the plains!

The utter folly of this plan did not prevent its execution. Colonel E. V. Sumner left Fort Leavenworth on May 20, and arrived at Fort Laramie about a month later. He left the latter post on June 27, with two companies of cavalry and three companies of the Sixth Infantry. On July 5 a junction with Major Sedgwick and his four companies of cavalry was effected, at a ford on the south fork of the Platte.[38] On July 29, 300 Cheyennes were encountered on Solomon's Fork of the Kansas River. A sharp fight resulted in the loss of two troops killed and nine wounded. The Indians were pursued for seven miles, after which they scattered in all directions. Two days later, their principal town was discovered:

[36]Twiss to Cumming, May 14, 1857. *Ibid.,* C 937/1857. Same to same, June 9. *Ibid.,* C 1014/1857.

[37]*Ibid.,* I 501/1857.

[38]Sumner to Assistant Adjutant General, September 20, 1857. U.S.D.W., A.G.O., *Old Files Section,* 589 S/1857: filed with 176 A/1857.

The people had all fled. There were one hundred and seventy one lodges standing and about as many more that had been hastily taken down, and there was a large amount of Indian property of all kinds, of great value to them. I had everything destroyed and continued the pursuit.[39]

Soon after this the Cheyenne Expedition was brought to an end. It can be regarded only as an utter farce. It chastised a few Indians, embittered the feelings of many, and failed to overawe any. Unfortunately, the troubles with the Sioux and Cheyennes Indians during the years from 1854 to 1857 may be regarded as all too typical of conditions in Nebraska Territory.

Let us now examine Indian affairs in Nebraska from a different point of view. The Indian title to much of that territory was extinguished, between 1854 and 1861, by a series of treaties. That such extinguishment of title should follow, or even slightly antedate, territorial organization was quite to be expected. The territorial organization of what had once been the northern portion of the Indian Country was itself, as we have already noted, a flagrant violation of the policy and ideal of reserving that region as a permanent home for the Indians—a policy and ideal which had already been followed for two decades.[40]

[39]Same to same, August 9. *Ibid.*, 514 S/1857: filed with 176 A/1857.

[40]The verdict of Annie H. Abel—than whom no writer upon the Indians has greater knowledge or ability—upon this subject is as follows: "One important objection to the passage of the Kansas-Nebraska bill, and an objection heretofore overlooked, or at least unremarked, was that the territory, the organization of which was in contemplation, could not be legally appropriated until the Indian occupancy title had been extinguished. This was an objection more fundamental in its nature than any other presented, because it involved the faith of the nation as that faith had been most solemnly expressed in treaties. It is said, and doubtless with truth, that, among the many occasions for the repeal of the Missouri compromise, was the fear that, unless something were done, and that quickly, the broad plains lying east of the Rockies would, as a permanent Indian reservation, be forever closed to civilization."—"Indian Reservations in Kansas and the Extinguishment of Their Title," in *Transactions* of the Kansas State Historical Society, VIII, (1903-1904), 86.

The idea of organizing Nebraska was by no means new in 1853. As early as December 17, 1844, Stephen A. Douglas had introduced a bill in the House for that purpose.[41] We need not, however, concern ourselves with the proposals that were made before 1853. On February 2 of that year, William A. Richardson of Illinois, the chairman of the House Committee on Territories, introduced a Nebraska bill that provided for the organization of the region between the line of thirty-six thirty and the forty-third parallel, from Missouri and Iowa on the east, to the Rocky Mountains on the west.[42] This bill was bitterly attacked on the ground that it disregarded the rights of the Indians. Volney E. Howard, a representative from Texas, led the attack in the House. In a speech on February 10, 1853, he said:

> You declare in the act, that these Indians shall not be included in the Territory (except by their own consent); but you organize a territorial government over a country of three hundred and forty thousand square miles, and include these Indian tribes within it, by which you will surround them by a white population on all sides, and it will result in the same condition of things as though you had placed them in the Territory subject to its jurisdiction. The act does not make them citizens. It is apparent that there will always be a struggle between them and the whites, by whom they will be surrounded. The settlers will covet their lands, and constantly encroach upon them, until the Indians will be forced to emigrate once more.[43]

The truth of these assertions became apparent in the years that followed. At the time, however, it was believed by some that Mr. Howard was actuated largely by ulterior motives. Thus Willard P. Hall of Missouri said:

> If the gentleman [Mr. Howard] can convince this House and the country that the Territory of Nebraska shall not be organized, either at this session or any future session of Congress;

[41] *Congressional Globe*, 28 Cong. 2 sess., 41.
[42] *Ibid.*, 32 Cong. 2 sess., 475.
[43] *Ibid.*, 557-558.

if the people of Texas can prevail upon the Government of the United States to drive the Indians of Texas, the Comanches, and other wild tribes, into the Territory of Nebraska, it may have the effect of rendering your overland routes from Missouri and Iowa to Oregon and California so dangerous that the tide of emigration will have to pass through Texas—an object which Texas has most zealously sought to accomplish for many years past.[44]

While it was true that Texas would profit if Nebraska were allowed to remain unorganized Indian country, Hall could not, with truth, accuse Howard of having ulterior motives in defending the rights of the Indians without also accusing himself of being an equally interested party. Together with David R. Atchison and Stephen A. Douglas, Hall was one of a quite well recognized clique, all of whom were interested in the promotion of Pacific railroad schemes, and wished to organize Nebraska in order that the prospective railroad might follow the central route to the coast.[45] Whatever their motives may have been, the Richardson bill passed the House on February 10, 1853, by a vote of 98 to 43.[46] Of the ninety-eight affirmative votes, eighty were cast by representatives of northern states, seven were from Kentucky and Missouri, and only eleven from the remainder of the south.[47]

In the Senate the bill met the opposition of Sam Houston of Texas, John Bell of Tennessee, and, as events proved, twenty-one others. Both Houston and Bell seem to have based their arguments against the disruption of the Indian Country on moral and ethical grounds. In his speech of March 3, the latter pointed out that:

A large portion of this Territory is guaranteed to Indian tribes by treaty stipulations, which are as sacred and obligatory upon us

[44] *Ibid.*, 558.

[45] J. C. Malin, *op. cit.*, 44-71.

[46] *Congressional Globe*, 32 Cong. 2 sess., 565.

[47] Roy Gettinger, *The Separation of Nebraska and Kansas from the Indian Territory*, in *Mississippi Valley Historical Review*, III, no. 4, 450.

as if a whole hecatomb had smoked upon a hundred altars in confirmation of them. . . .

I should like to know of the Senator from Illinois [Douglas] where he proposes that we shall locate the sixty or perhaps seventy thousand Indians who now inhabit this Territory? Do you intend to drive them upon Texas, or upon the borders of Mexico? Do you intend to press them into the narrow gorges of the Rocky Mountains or of the Sierra Madre, and let them perish there?[48]

Senator Douglas was not the kind of man who would attempt to evade such a direct challenge. He said:

The object of the [Richardson] bill is to create a territorial government extending from the western boundary of Missouri and Iowa to Utah and Oregon. In other words, it is to form a line of territorial governments extending from the Mississippi valley to the Pacific Ocean, so that we can have continuous settlements from one to the other. We can not expect or hope even, to maintain our Pacific possessions unless they can be connected in feeling and interest and communication with the Atlantic states. This can only be done by continuous lines of settlements, and those settlements can only be formed where the laws will furnish protection to those who settle upon and cultivate the soil. The proposed Territory of Nebraska embraces quite a number of the emigrant routes extending to our Pacific possessions. It embraces the route from Missouri to Santa Fe: and also to Utah, Oregon and California.

But this was not the end of Douglas's statement. The reasons for the bill were one thing; its moral justification, so far as the Indians were concerned, was an entirely distinct item. Douglas freely admitted the treaty obligations that had been mentioned by Bell; but he denied that the passage of the bill would render the government guilty of bad faith to the Indians, because it was provided that:

. . . Nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the

[48] *Congressional Globe*, 32 Cong. 2 sess., 1115.

Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Nebraska, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Nebraska, or to affect the authority of the government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the government to make if this act had never passed.[49]

Thus the rights of the Indians were to be protected at the same time that Nebraska Territory was organized. One need only glance at the history of the years immediately following the organization of Nebraska and Kansas to see how feeble and ineffective such a provision was. "The rights of person or property now pertaining to the Indians in said Territory" were to remain unimpaired "so long as such rights shall remain unextinguished by treaty." As a matter of fact, squatters ruthlessly encroached upon Indian lands, and treaties were made by which such encroachments were recognized and sanctioned as a *fait accompli*. The Richardson bill was, however, tabled by the Senate on March 3, 1853, by a vote of 23 to 17.[50]

Upon the same day that the Richardson bill was tabled, the Indian appropriation act was passed. It appropriated $50,000

> . . . To enter into negotiations with the Indian tribes west of the States of Missouri and Iowa for the purpose of securing the assent of said tribes to the settlement of the citizens of the United States upon the lands claimed by said Indians, and for the purpose of extinguishing the title of said Indian tribes in whole or in part to said lands. . . .[51]

[49] *Ibid.*, 1116.
[50] *Ibid.*, 1117.
[51] 10 *U. S. S. L.*, 238.

In pursuance of this act, Commissioner Manypenny was instructed to make a "preliminary visit" to the tribes concerned,[52] which, during the winter of 1853-1854, he did.[53] No treaties were made with the Indians of Kansas or Nebraska at the time of Manypenny's visit. It was agreed, however, that they should send delegations, properly empowered to negotiate treaties, to Washington in the spring of 1854. This they did; and in the months between March and June—in those same months during which the final debates upon, and passage of, the Kansas-Nebraska bill occurred[54]—Manypenny succeeded in concluding several treaties (the first of a series negotiated between 1854 and 1861) by which much of Kansas and Nebraska was opened to settlement. It is unnecessary to study these treaties in detail; we shall first note a few of the Nebraska treaties, and then we shall turn our attention to Kansas.

On March 15, 1854, a treaty was negotiated with the Ottoe and Missouria Indians,[55] by which they ceded to the United

[52]R. McClelland to Manypenny, August 18, 1853. U.S.D.I., O.I.A., General Files, *Central Superintendency,* I 291/1853.

[53]"The first indication that the idea of breaking faith with the Indians had gained ground at Washington, and that the administration was favorable to it, was seen in the visit which George W. Manypenny paid to the emigrants in the winter of 1853-54."—Abel, *op. cit.,* 87.

[54]It is to be noted that while the subject of Indian title to the Nebraska country formed a very important topic of debate when the Richardson bill was under discussion in 1853, this was not the case in the spring of 1854, when the Dodge-Douglas bill (which had been substituted for the Richardson bill) was being debated. The reason is obvious. The Richardson bill did not interfere with the *status quo* of territorial slavery, as established by the compromise measures of 1820 and 1850; whereas Douglas's amendment of the Dodge bill (January 4, 1854. See *Cong. Globe,* 33 Cong. 1 sess., 216.) re-opened the whole question of territorial slavery. Naturally, the Indians, and all else, played but a minor part. The proviso by which the personal and property rights of the Indians were safe-guarded, was, however, written in the first and nineteenth sections of the Kansas-Nebraska bill. See 10 *U. S. S. L.,* 277-278, 284.

[55]Kappler, *op. cit.,* II, 451-453.

States all their country west of the Missouri River, excepting a reserve upon the Big Blue River.[56] The next day a treaty was concluded with the Omahas,[57] by which they ceded the region west of the Missouri River and north of the Platte River and Shell Creek.[58] These two treaties contained provisions for the allotment of land in severalty that were later copied into many other Indian treaties. The provisions of the Omaha treaty may be regarded as typical:

Article 6. The President may, from time to time, at his discretion, cause the whole or such portion of the land hereby reserved, as he may think proper, or of such other land as may be selected in lieu thereof, as provided for in article first, to be surveyed into lots, and to assign to such Indian or Indians of said tribe as are willing to avail of the privilege, and who will locate on the same as a permanent home, if a single person over twenty-one years of age, one-eighth of a section; to each family of two, one quarter section; to each family of three and not exceeding five, one half section; to each family of six and not exceeding ten, one section; and to each family over ten in number, one quarter section for every additional five members. And he may prescribe such rules and regulations as will insure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and the improvements thereon. And the President may, at any time, in his discretion, after such person or family has made a location on the land assigned for a permament home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years; and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force, until a State constitution, embracing such lands within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions.

[56]C. C. Royce, "Indian Land Cessions," in Bureau of Am. Ethnology, eighteenth annual *Report*, 1896-97, part 2, map number 41, section 314; map number 42, sections 595 and 626.

[57]Kappler, *op. cit.*, II, 453-456.

[58]Royce, *op. cit.*, map number 41, section 315.

The policy of extinguishing the Indian title to the Kansas-Nebraska region by the negotiation of a series of treaties, inaugurated by Manypenny in 1854, was continued by his successors. Thus on September 24, 1857, J. W. Denver negotiated a treaty with the Pawnees, at Table Creek, Nebraska, by which that tribe ceded a large tract of land in central Nebraska, north of the Platte River and west of the cession that had been made by the Omahas in 1854.[59] A much smaller cession, in what is now South Dakota, was obtained by a treaty negotiated by C. E. Mix on March 12, 1858, with the Ponca.[60] A week later Mr. Mix concluded a treaty with the Yankton Sioux, by which a large part of what is now southeastern South Dakota was ceded to the United States.[61] A cession of vast extent—covering what is now a large part of eastern Colorado, western Kansas, southwestern Nebraska, and southeastern Wyoming—was obtained by the treaty of February 18, 1861, with the Cheyennes and Arapahoes.[62]

The situation in Kansas was different from, and much worse than that in Nebraska. Much of the latter territory remained sparsely settled during the eighteen-fifties, and even thereafter. The main problem connected with the Indians thereof involved the protection of the great transcontinental trails. We have noted the importance of that problem as illustrated by the terms of the treaties of Fort Laramie and Fort Atkinson. Kansas, on the other hand, presented not only problems connected with the safety of the transcontinental trails, but also a keener racial conflict than was to be found anywhere else. This was due to the rapidity with which Kansas was colonized. Little respect was shown to the rights of the Indians at a time when the whites from South and North contested most bit-

[59]Text of treaty in Kappler, *op. cit.*, 576-579. For cession see Royce, *op. cit.*, maps number 11 and 41, section 408.

[60]Text in Kappler, 582-585: cession, Royce, map 11, section 409.

[61]Text in Kappler, 586-590: cession, Royce, map 11, section 410.

[62]Text in Kappler, 614-617: cession, Royce, maps 9, 26, 41, and 66, section 426.

terly for every square inch of territory that could be won or lost for slavery. Squatter sovereignty in practice proved very different from squatter sovereignty on paper.

We must also remember that the Indians living in Kansas—especially in the eastern and more densely settled portions thereof—were, for the most part, relatively small tribes—remnants, it is true, of tribes once powerful, who had been forced to emigrate from the east in the thirties and forties. These Indians were of a pacific disposition, and offered no such resistance to the settlers and emigrants as did the warlike tribes of the Nebraska prairies. Some of them, notably the Wyandots, had attained a high stage of civilization, second, perhaps, to the Five Civilized Tribes, but second to them alone. Such were the Indians who, in 1854 and the years immediately thereafter, were obliged to surrender most of their holdings in Kansas, and accept in lieu thereof limited reserves.

We have already noted Manypenny's visit to the Kansas-Nebraska region in the winter of 1853-1854. That visit boded little good for any of the tribes so honored.[63] We need not give the details of the treaties that were subsequently negotiated in Washington; that task has been thoroughly accomplished by Miss Abel.[64] Rather let us study some aspects of the problem created by the presence of Indian reserves in the midst of a region that was fast becoming a white man's country.

The organization of Kansas was the signal for a stream of squatters to seek a new home in a new promised land. Unfortunately, some of the most promising portions of that land were not yet fully cleared of the Indian title—such, for example, were the Delaware and Shawnee trust lands—while other portions were included within the diminished, but none the less supposedly permanent reserves that yet remained to the Indians after the conclusion of the Manypenny treaties.

[63] *Ante*, 221, *note 53.*

[64] Abel, *op. cit.*

The Delaware, Shawnee, and Kansas lands were, perhaps, most favorably situated, and consequently suffered most. The treaty of June 3, 1825[65] guaranteed to the Kansas half-breeds a favorable location on the north side of the Kansas River. The more recent treaty of May 6, 1854, with the Delawares[66]

> . . . Provided for two cessions, the one conditional, the other unconditional. The unconditional cession comprehended the transfer of the "outlet" to the general government for a cash payment of $10,000. The conditional cession was a conveyance of lands in trust, and included all of the reservation proper excepting the thirty-nine sections that had already been sold to the Wyandots, four sections that were about to be sold to the Munsees, and a tract that was to be retained for the use of the tribe. The last named constituted the "diminished reserve" and, "extending westward forty miles from the western boundary of the Wyandot lands, was ten miles wide at its western extremity."[67]

The Delaware trust lands were to be surveyed and sold at public auction (Art. 2), and the proceeds of said sales were to be paid by the United States to the Indians (Art. 3). Such lands were in no way disencumbered of the occupancy title, but "the legal title, domain, and jurisdiction are in the United States; but the equitable, beneficiary interest in the proceeds of sales is in the Indians."[68] Squatters might, of course, buy Indian trust lands at the public sale thereof; but such lands were not open to preëmption and private entry at $1.25 per acre.

A somewhat similar treaty was concluded with the Shawnees on May 10,[69] by which that tribe ceded its 1,600,000 acre reserve to the United States (Art. 1), and received one-eighth thereof back again for distribution among the tribe (Art. 2). The 200,000 acres thus receded lay almost wholly in Johnson

[65]Kappler, *op. cit.*, II, 156-159. See especially Art. 6.

[66]*Ibid.*, 456-459.

[67]Abel, *op. cit.*, 88.

[68]Opinion of Attorney General Cushing, August 14, 1854. 33 Cong. 2 sess. vol. 5, (ser. 783), *H. Ex. Doc. 50*, 22.

[69]Kappler, *op. cit.*, II, 460-464.

County, and bordered on the Missouri state line. In spite of that fact, which in itself forecast the fate of the Shawnee reserve, the treaty provided that:

> Art. 5. . . . No white persons or citizens shall be permitted to make locations or settlements within said [reserve] limits, until after all the lands shall have been surveyed, and the Shawnees shall have made their selections and locations, and the President shall have set apart the surplus.

Regardless of their legal status, the Indian lands were soon violated. The difficulties seem to have commenced on the Delaware trust lands. As early as June 14, 1854—over a month before the proclamation of the Delaware treaty—B. F. Robinson, the Delaware agent, telegraphed Alfred Cumming:

> I desire authority direct from the Secretary of War to call on the commandant at Fort Leavenworth to expel squatters from the Delaware lands ceded by the late treaty.[70]

The desired authority was not, at that time, forthcoming; so Robinson was obliged to continue bombarding the Indian Office with rather futile protests against the activities of the settlers.

"The Indian Country is being filled up with squatters," he wrote to Cumming on July 13. "I am at a loss to know how to proceed. The settlement on the unreserved Shawnee lands, in the case of the ratification of the late treaty, I presume, is of no consequence; but that upon the Delaware ceded territory, in my opinion, should be at once prohibited. I would be pleased to hear from Col. Manypenny, Comm. of Ind. affairs, on the subject.

"The Commandant at Fort Leavenworth is of the opinion the military can not act without order from the President."[71]

Other letters of a like tenor followed. In August the Delaware tribal council met and solemnly condemned the proceed-

[70]U.S.D.I., O.I.A., General Files, *Kansas,* C 852/1854.

[71]33 Cong. 2 sess. vol. 5, (ser. 783), *H. Ex. Doc. 50,* 4.

ings of the squatters.[72] So also did Attorney-General Cushing. In an opinion of August 14, he said:

> . . . To grant pre-emptions of the lands ceded by the Delawares, Ioways, and Weas, with condition, and upon trust, to be sold at public auction for their account and benefit, would be a violation of the treaties, a breach of trust, a fraud upon the Indians.[73]

In spite of this opinion, conditions became worse during the latter part of the year. Far from hindering the preëmptioners, the military authorities at Fort Leavenworth materially aided them. "I regret to say to you," wrote Manypenny to McClelland on September 26, "that Major Ogden, of the Quarter Masters Dept., and Maj. Macklin of the Pay Dept., have been the principal and main instigators of this lawless course of proceeding." And Manypenny added:

> They were the prime movers in projecting the new town site of Leavenworth, some two and a half miles below the fort, and on the Delaware tract, and have enlisted with them some thirty other persons. After making this move in violation of the treaty, they are and have been urging settlers to make claims, adjacent the Military Reserve, and for miles distant on the Delaware land.[74]

Three days after the above letter had been written, a number of citizens met at Leavenworth, and passed a resolution in favor of "the immediate extension of the preëmption law over this district of the territory."[75] All through the fall and winter of 1854-1855 the trouble continued. "Every day the difficulty of removing intruders off the Delaware Cession increases," wrote Agent Robinson to Manypenny, November 14. In this same letter Robinson pointed out that the squatters were not merely supported by the military, but almost every officer and many privates stationed at Fort Leavenworth were

[72] *Ibid.*, 27-28.
[73] *Ibid.*, 24.
[74] *Ibid.*, 30.
[75] *Ibid.*, 32.

themselves guilty of holding private claims on the Delaware cession in violation of the terms of the treaty.[76] Robinson must have felt keenly the hopelessness of his situation. He feared that eventually "the rights of our wards, the Indians, will be wholly disregarded, and the spring immigration will seize upon the Shawnee and every other valuable reserve similarly situated in the territory."[77]

This statement was all too true. During the latter part of 1854 and the early part of 1855 intruders began to settle upon, and waste the timber of, the Shawnee reserve.[78] Their ejection was promptly ordered.[79] In any event, the troubles upon the Shawnee lands do not seem to have attained the proportions that they did upon the Delaware lands.

In the meantime, on October 7, 1854, Governor Andrew H. Reeder arrived in Kansas. This Pennsylvania lawyer had had little political experience, and possessed no knowledge of frontier conditions. He was a northern man with southern sympathies. "He established himself at Fort Leavenworth and immediately gave encouragement to the preëmptioners by a speech in which he disparaged Cushing's opinion."[80] After remaining five days at Fort Leavenworth, Reeder left on an "exploring expedition."

He went to the Pottawatomie nation, where he remained about a week. During that time he was engaged in purchasing Kaw halfbreed claims at less than half their value, say $2.50 per acre, taking their deeds, and giving notes payable when the President confers the title; in addition to that, he has had thirteen claims made on this land (paying $5 for each foundation). His having claims located, has induced others to follow the example of his

[76]U.S.D.I., O.I.A., General Files, *Kansas,* R 209/1854.

[77]Robinson to Manypenny, December 12, 1854. *Ibid.,* R 225/1854.

[78]Robinson to Cumming, December 22, 1854. *Ibid.,* C 1126/1855. Same to same, January 5, 1855. *Ibid.,* C 1151/1855.

[79]Manypenny to Cumming, January 16, 1855. U.S.D.I., O.I.A., *Letter Book No. 50,* 388.

[80]R. F. Nichols, *Franklin Pierce,* 408.

excellency, and at this time I suppose every foot of this land is taken. Now, sir, the first wrong is, he is cheating the Indians out of more than $1,500 on each claim; secondly, it is certainly a very bad example for the governor to be setting. Instead of sustaining the President in treaties that have long since been made, he is the first man to give him trouble.[81]

Thus Reeder not only disagreed with Cushing upon the legal status of the Indian lands, but he went so far as to put his disagreement into practice. In collaboration with Judges Johnston and Elmore, and Colonel Isacks, he proceeded to contract with some white men—Joseph James, Louis Papin, Francis Aubry, and Moses Belmard—whose wives were descendants of the Kansas half-breeds, for the sale of their lands.[82] The contracts were forwarded to the President for approval.

Such approval was not forthcoming. The Pierce administration, having proclaimed the Manypenny treaties,[83] was committed to their enforcement; and even though the Kansas treaty of 1825 was not one of the Manypenny treaties, its enforcement must have been regarded as essential by the Indian Office. If it were disregarded, how long would it be before Reeder violated the Delaware and Shawnee treaties as the squatters were already doing? Accordingly, Manypenny disapproved the contracts, on the ground that the half-breeds had no right to sell; but the President merely returned them to Reeder without rejection or approval.[84]

To make matters worse for Reeder, a resolution approved by the House on January 23, 1855, required the Secretary of the Interior to communicate to that body

[81]J. W. Whitfield to Manypenny, November 6, 1854. 33 Cong. 2 sess. vol. 5, (ser. 783), *H. Ex. Doc. 50,* 53.

[82]Reeder to Manypenny, March 30, 1855. *Transactions* of Kansas State Historical Society, V, 225.

[83]Delaware, Iowa, Kickapoo, July 17: Miami, August 4: Kaskaskia, August 10: Shawnee, November 2, 1854.

[84]Reeder to W. L. Marcy, June 26, 1855. *Transactions* of Kansas State Historical Society, V, 230.

. . . What steps have been taken to carry out the stipulations of the treaty with the Delaware Indians of May 6, 1854, as far as relates to the lands ceded in trust to the United States; also all the evidence in this department touching the unlawful occupation of portions of that cession, or any other Indian lands in Kansas Territory, or any trespasses on the same, and what participation any army officers at Fort Leavenworth have had in making claims and settlements on the Delaware cession or any other Indian lands; also, whether any officers of the civil, military, or Indian service, in that Territory, have been charged with speculating in Indian lands.[85]

The desired information was sent to the House on February 1, with the result that the unprincipled tactics of Reeder and the illegal proceedings of the squatters were exposed. This was definitely the beginning of the end for Reeder.

A most interesting and amusing letter, written by one J. W. Chapman to Manypenny on March 29, 1855, gives some idea of Reeder's tactics:

Governor Reeder came to Pappans Ferry on the Kansas reserve land, two days since to see the people he purchased his land of and procure their affidavits that they are sensible men. The Governor stated that a certain Col. Manypenny in Washington City had been slandering him the Governor among the fashionable circles of Washington by stating that he the Governor had been dealing in land with ignorant people, and that he wished to prove by these same people that they were as sensible as any other people &c &c.

This news getting out in the neighborhood we were all on the *qui vive* for amusement.

Some of the Frenchmen who were husbands of some of the reservees were not at home & his Excellency had to stay on the ground for three days—during which time he appoints a justice of the peace to swear these men that they all have good sense &c. Some of them appear anxious to swear that they have good

[85]McClelland to Linn Boyd (Speaker of House), February 1, 1855. 33 Cong. 2 sess. vol. 5, (ser. 783), *H. Ex. Doc. 50,* 1.

sense, notwithstanding they all had complained to myself frequently that they were wholly ignorant of the manner they had sold their lands.

The Frenchmen having returned, the Governor commenced operations but as his Excellency refused to admit the presence of loafers our people could not get the sense (?) of the depositions untill he came to Jo Jim a very black half breed Kaw. Jim refused to sign his paper saying he had already signed three papers & got no money yet. The Governor then told Jim that in case he refused to sign that paper he the Governor would keep both the land and money too. That raised the dander of Jim & he told the Governor to keep it all as he expected he intended to do anyhow; and go to hell with it, for he would not sign any more of his d——d papers. . . .[86]

While this letter was written too late to be sent by Secretary McClelland to Congress, it was not too late to have been read by Manypenny, and perhaps by Pierce, prior to Reeder's visit to Washington in May, 1855. What its effect was, we have no means of knowing. Reeder was received by the President, to whom he attempted to justify his questionable contracts. Again Pierce sidestepped a direct issue, and Reeder went back to Kansas with his contracts still unapproved, and with a warning that his connection with Kansas land deals was of such a nature that it might result in the termination of his governorship. Once back in Kansas, Reeder wrote a long letter, on June 26, to Secretary of State Marcy, in which he vainly attempted to justify his actions.

I have purchased no [Kansas half-breed] lands at all. With others, I have only agreed to purchase them in case the contemplated purchase shall receive the sanction and approbation of the President.[87]

This was rather a weak defense for illegal proceedings, the ultimate consummation of which was prevented by the political

[86]U.S.D.I., O.I.A., General Files, *Kansas,* C 1318/1855.
[87]*Transactions* of Kansas State Historical Society, V, 229.

considerations, or perhaps the honesty, of the Pierce administration. In any event, Pierce decided to bring the Reeder drama to a close, and, on July 28, ordered his removal.[88]

I have gone into the Reeder story at some length, as illustrative of the interrelationship of the question of Indian lands and party politics. The dismissal of that governor by no means settled the troubles between squatters and Indians. All through the period covered by this thesis difficulties existed. Let us follow some of the troubles of Indian Agent John Montgomery.[89]

Late in 1855 Agent Montgomery found several intruders on the Kansas half-breed reservation. He gave public notice requiring their removal, and, as they utterly disregarded it, he served an individual warning on each intruder.[90] This also failed to produce results, so Montgomery called upon the commandant at Fort Riley for help.

"You are now authorized and requested," he wrote to Colonel P. St. George Cooke, on November 30, 1855, "to effect the removal of the intruders on the Half Breed Kansas Indian Reservation as described in the notices herewith enclosed, by Military force as required of you by the Authorities of the Department of the Interior."[91]

Colonel Cooke refused to grant the desired assistance. "These intruders are twice as distant from my post, as they are from Fort Leavenworth," he wrote to Montgomery on December 3.[92]

So affairs drifted on through the remainder of 1855 and the spring of 1856. On April 25 Manypenny wrote to Cumming, authorizing Montgomery to call upon the troops at Fort

[88]Nichols, *op. cit.*, 417.

[89]Montgomery was appointed Kansas agent, March 12, 1855. Manypenny to Montgomery on that date. U.S.D.I., O.I.A., *Letter Book No. 51*, 63.

[90]Montgomery to Cumming, November 30, 1855. U.S.D.I., O.I.A., General Files, *Kansas*, C 3/1856.

[91]*Ibid.*

[92]*Ibid.*

Leavenworth to expel all intruders from the Kansas reserve.[93] This he did on June 5,[94] but it was not until the evening of June 23 that, accompanied by a lieutenant and ten men, Montgomery proceeded to burn twenty cabins on the Kansas reserve.[95] The result of this was that the people obtained a writ from justice of the peace Robert B. Nelson, in Lecompton, by which the arrest of the Indian agent was ordered. With the help of another Indian agent, G. W. Clarke, Montgomery succeeded in getting discharged. The charge against him was ultimately quashed by order of the President.[96] In the meantime, however, feeling that public sentiment was in their favor, the squatters had rebuilt their cabins, and lived upon the Kansas reserve in violation of law and in defiance of the authorities.[97]

As a matter of fact, it appears that a citizens' association was formed, late in 1856, with the avowed purpose of obtaining a fee-simple title to the Kansas half-breed lands.[98] The little evidence that exists in regard to this body shows that one J. C. Stuck, a clerk in the Surveyor-General's Office, was its secretary, and that Governor Geary was a warm supporter. "Several of Gov. Geary's relatives and members of his household belong to the association," which held meetings in the executive office.[99] It was, however, a nebulous body, and disappeared upon the termination of Geary's administration, in the spring of 1857.

So one could continue, and multiply events endlessly. Those that have been mentioned may be regarded as prototypes of

[93]U.S.D.I., O.I.A., *Letter Book No. 54,* 162.

[94]Montgomery to Commandant at Fort Leavenworth, June 5, 1856. U.S.D.I., O.I.A., General Files, *Kansas,* C 330/1856.

[95]Montgomery to Cumming, June 30, 1856. *Ibid.,* C 362/1856.

[96]J. S. Black to Wm. Weer, July 18, 1857. *Ibid.,* I 637/1857.

[97]Montgomery to Cumming, July 9, 1856. *Ibid.,* C 383/1856.

[98]G. W. Clarke to Manypenny, December 26, 1856. *Ibid., Central Superintendency,* C 652/1857.

[99]Same to same, December 29. *Ibid.,* C 661/1857.

many other conflicts between the Indians and the settlers. It is true that during the years 1858-1860 conditions became much more quiet, but there remained the ever-present threat of trespass upon the Indian reservations.[100]

Two points stand out in our study of Kansas. (1) Its political significance, which was so closely bound up with the slavery question, should not blind us to the fact that speculation in Indian lands played an important part in its history. (2) In spite of constant troubles between Indians and settlers, the former were too weak to offer effective resistance, or to cause, as did the Oregon Indians, a serious war. The Indians of Kansas meekly and tragically submitted to their fate.

[100]B. F. Robinson to John Haverty, September 14, 1857. 35 Cong. 1 sess. vol. 2, (ser. 942), *H. Ex. Doc. 2,* 454. B. F. Robinson to A. M. Robinson, September 22, 1858. 35 Cong. 2 sess. vol. 2, pt. 1, (ser. 997), *H. Ex. Doc. 2,* 462. Benj. J. Newson (Shawnee agent) to A. M. Robinson, August 24, 1858. *Ibid.,* 464. Same to same, September 20, 1859. 36 Cong. 1 sess. vol. 1, (ser. 1023), *Sen. Ex. Doc. 2, pt. 1,* 515. Milton C. Dickey (Kansas agent) to A. M. Robinson, September 20, 1859. *Ibid.,* 523.

VIII
CONCLUSIONS

HAVING studied the more important parts of the history of Indian affairs, from the point of view of their contacts with the United States government, we suggest the following conclusions.

(1) With the exceptions of the Five Civilized Tribes, the almost equally civilized Indians in Kansas, and the relatively uncivilized but very weak tribes of the Pacific littoral, war was almost the normal state of most of the tribes. One need only point to the history of the Comanche, Apache, or Cheyenne Indians to show the truth of the above statement. That such should be the case was entirely to be expected. "If we look to the east we see the track of the first white man upon the grave of the last red man!"[1] The pathos of this statement, made by a Sioux Indian, is rendered deeper by its truth. While the coming of the white man did not result in the extermination of the Indian, it did bring about his subjection. Such has ever been the case when a higher—or would it not be better to say more efficient, more acquisitive—civilization has come in contact with a culture group relatively more primitive, or less efficient. It is almost superfluous to cite such examples as the conquest of Mexico by the Spaniards, or, in more recent times, the rise of the South African Union upon the ruins of Hottentot civilization. Such race subjection has ever been accompanied by cruel, utterly ruthless, warfare. The winning of the west from the American Indian was certainly no exception to the rule.

[1]Appeal of Yankton Sioux Indians to the President, April 27, 1857. U.S.D.I., O.I.A., General Files, *Great Nemaha,* R 220/1857.

(2) The subjection of the Indian meant the complete change of some of his most time-honored modes of gaining a livelihood. We all know that the white man introduced both the horse and firearms to the Indian; the vast resultant changes in Indian life we also know. In more recent times we have nearly exterminated the buffalo and the antelope, and thereby made the Indian a social dependent both for food and clothing. When this stage was reached—about 1850—the continued existence of the white man became essential to the red; for the food and clothing, the arms and ammunition needed by the Indian came from the white man's land.

In still more recent times, the development of the railroad and the ever-increasing highway net, have not only facilitated the delivery of the essentials of life to the most remote reservations, but have enabled the Navajo and Pueblo, the Blackfoot and the Sioux, to sell their handiwork to tourists or to market it in the central and eastern cities.

(3) The policy so long followed of treating the Indian tribes as dependent nations, and negotiating treaties with them, was an utter failure. If, in the early days of our national existence, we did not realize our imperial destiny, we should certainly have realized it by 1850. Not only Louisiana, but also Oregon and the Mexican Cession, had by that time come within our domain. And yet, fatally human, we worked on the assumption that treaties concluded with 400,000 Indians would hold in check our rising and energetic millions, and secure for the less efficient race the enjoyment of an imperial domain—the region between the trans-Mississippi states and the Rockies—where we now grow the wheat and corn to supply a continent.

(4) The reservation system was both a good and an evil. It separated the Indians from most of the land that had been theirs, which was turned over to the whites. Reservation life, it was hoped, would bring the Indians to a closer approximation of the white man's standard of living. With this end in

view, the attempt was made to teach them agriculture and various mechanic and domestic arts. With some tribes—like the Wyandots—a very fair degree of success was attained; others—e.g., the Comanches—were almost unteachable.

During the period covered by this study, several reservation schools were established, especially among the Creeks, Choctaws, and Cherokees; some also among the Indians of Kansas, and a few were scattered elsewhere. The school system was destined to spread more widely after the Civil War. Such as it was, however, it gave the Indians the rudiments of an education—in the white man's sense of the word—reading, spelling, writing, geography, and arithmetic were some of the subjects commonly taught;[2] while a Choctaw seminary for girls proudly announced that it had thirteen students enrolled in the natural philosophy course and seventeen in the course on philosophy.[3]

The church was a power for good upon the reservation, as well as among the wild Indians. Regularly organized churches or missions, of different denominations, were located upon many reservations. The blessings of peace and righteousness and the ideals of Christianity were preached to many Indians, and, let us hope, contributed to the mitigation of the barbarities of Indian warfare.

Needless to say, the reservation system made such Indians as were affected thereby more dependent upon the whites than they already were. It greatly limited their ability to sustain themselves by hunting and fishing, and, in spite of all their efforts, the produce of the reservation farms was usually inadequate. Therefore the Indians had to be subsisted by the government. The certainty of such subsistence sometimes led to deliberate improvidence on the part of the Indians, while the

[2]L. M. Collins to P. H. Raiford, October 10, 1849. (Report of Muskokee Mission School) 31 Cong. 1 sess. vol. 3, pt. 2, (ser. 570), *H. Ex. Doc. 5,* 1123.

[3]C. Kingsbury to William Wilson, August 27, 1851. (Chuahla Female Seminary), 32 Cong. 1 sess. vol. 2, pt. 3, (ser. 636), *H. Ex. Doc. 2,* 378-379.

middlemen who handled the Indian goods often grossly cheated both the Indians and the government. It was all too true, as we have seen in our study of the Kansas reserves, that unscrupulous whites did not act upon the same code of business ethics when dealing with Indians that they did when dealing with one another.

Yet, taken as a whole, the reservation system contained more good than bad. The protection that it afforded probably saved the Indian from virtual extermination. Had no reservations been established, the Indian would have faced the necessity of withstanding the westward march of millions—an obvious impossibility—or of being killed or assimilated by them. Indian reservations, like animal reservations, serve to preserve a race—a species of humanity. That such preservation should be necessary may be tragic—but history is tragic.

(5) In the main, the government managed its Indian affairs in an inefficient manner. The agents were more honest than might have been expected, but were hindered in the efficient performance of their duties by many circumstances. Peace was the ideal of the civil authorities, but all too often war was the actuality that had to be faced. The Indian Office, however well-meaning were its intentions, often failed to coöperate properly with its agents; and just as often failed to understand the situation with which they were faced. Appropriations were usually inadequate. We need only mention the almost complete lack of funds in New Mexico prior to the passage of the Indian appropriation act of 1854.

More often than not there was jealousy and friction between civil and military authorities. I need only recall the trouble between Agent Twiss and Colonel Hoffman.

Taking all these facts into consideration, the only wonder is that affairs were no worse—that the ideal and the actual did not vary even more greatly than was the case.

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are originals; some few are copies. They are filed under the superintendency, agency, or state from which they came, sometimes under the tribe to which they refer; and under the year in which they were received. A letter and a serial number complete the reference to any given letter—the former is usually the first letter of the last name of the sender; less frequently it is the first letter of the last name of the recipient, or the first letter of the superintendency, agency, or state from which the letter emanated; or the first letter of the name of the tribe concerned. The serial number refers to the number of letters sent by the person, or from the superintendency, agency, state, or tribe referred to in the identification letter. Thus the letter from Thomas S. Twiss to Colonel Hoffman, July 31, 1856, has a file reference of: General Files, *Upper Platte* (that being the agency of which Twiss had charge), T (the first letter of the sender's last name), 82 (the serial number of the letter), /1856 (the year in which the letter was received).

"Talks, Councils, Treaties, 1801-1855." *Ibid.*, 1856-1863. The names of these two file cases are self-explanatory. They contain much important material: e.g., the "talks" of Isaac I. Stevens with the various Indian tribes in Washington Territory. Their contents are indexed by tribe and year. Thus the Yankton Sioux treaty of 1858 is indexed under "Yankton Sioux, 1858."

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or the Secretary of War. Most of these letters are originals. They are indexed with a serial number, a letter—usually the first letter of the last name of the sender; sometimes the first letter of the military district from which the letter emanated —and the year of reception. Thus the letter from E. V. Sumner to the Assistant Adjutant General, Sept. 20, 1857, is indexed: A. G. O., *Old Files Section,* 589 (serial number), S (first letter of last name of sender), /1857 (the year of reception).

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